

COUNCIL MINUTES
APRIL 19, 2004

A regular Council Meeting was held on Monday, April 19, 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 CS&ED Director Gliha, Acting Fire Chief Cosgriff, Police Chief Maine, Commissioner Petkovic, Commissioner Tollerup, Mr. DeWine, Sgt.-at-Arms Nagy, Clerk of Council Cahill.

Invocation was given by Rabbi Abrams.

COMMUNICATIONS

Council has received the following communications:

A letter to Director Johnson from A.G. Edwards responding to borrowing questions.

A letter from Housing Manager Tollerup to the Ohio Dept. of Mental Retardation and Developmental Disabilities regarding a license at 20231 Glen Russ Lane.

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

COUNCIL MINUTES

Councilman Gruber moved to accept the Council Minutes of March 29, 2004 and April 5, 2004. Councilman T. Sustarsic seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented Resolution 63-2004 to members of ABATE/CRMO recognizing May at Motorcycle Awareness Month.

Mayor Cervenik – The Army Corps of Engineers is beginning its public comments portion of our lakefront development project. You will see notices concerning our project at the Post Office and other various places throughout the community. They are asking for residents to give their input based upon what they know of the project, their concerns and the support of the project. That means it is good for us to know that because that means they are moving forward with the whole process. This is a very important part of it that needs to be done. I strongly encourage you to comment to the Army Corps of Engineers on the merits of our lakefront development project.

The Service Director is going out for rfp's for our July 4th Fireworks program. As I have told many of you, we really do feel that the fireworks are an important community asset and should be continued. We've asked the three companies that do the firework shows in this area to give us RFP's. We will be opening them up at the April 26th Board of Control meeting. At that time we will ask Council, depending on what the results are, to allow that expenditure to come from the Endowment Fund. Those will be opened on April 26th.

I couldn't announce it at the last Council Meeting because he was busy announcing it at his Council Meeting. If you haven't read it in the paper, I have hired Frank Pietravoia, he's going to start May 3rd as our Development Director. Frank right now is working with the City of Lakewood. He has over 23 years of experience and we're looking forward to working with him. I'm quite sure that all of City Council will really appreciate the work ethic this man has and I think we're all going to make a lot of progress with him on board.

National Day of Prayer is Thursday, May 6, that will be held here in the Council Chamber. It was first proclaimed by the Continental Congress in 1775. In 1988 legislation was ratified by the House of Congress and signed by President Reagan stating the National Day of Prayer is to be observed on the first Thursday of every May. Our Chaplin, Pastor Tom Owens will oversee the observance. I strongly encourage all, both Council and residents, to participate in our National Day of Prayer.

For those of you who don't know, our Superintendent of Waste Water, Robert Gall, went to the doctor a little over two weeks ago and needed to have a quadruple by-pass. Bob is doing good. He is home. He is recovering. He's meeting with his doctor next week and Bob is already making plans to go back to work right after the doctor's appointment. I appreciate his enthusiasm but our hope is that Bob takes his time and recovers well. In the meantime, as of today he has arranged to have his secretary bring the mail to his house so he can keep updated on that. That's just the kind of guy Bob is. Bob, we wish you the best and hope to have you back here soon. That concludes Administration Reports.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to approve the Fire Report of February, 2004; Police Report of February, 2004; Humane Officer's Report of March, 2004; County Board of Health 2003 Report; Board of Control Min. 3/22/04 & 3/29/04. Councilwoman Hufnagle seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

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

President Sustarsic – Now we'll proceed to the Committee of the Whole for Legislative Matters Only. What we're doing is addressing what's on the Agenda this evening. From what I understand there was a little bit of confusion before. Items #21 & #22 relative to the language for the referendum issue on the ballot in November were somehow inadvertently omitted from TV broadcast. There were only apparently 19 items shown that were going to be on the Agenda. Those are definitely on the Agenda and will be discussed tonight.

#3 and #4, we have a second reading. The Public Hearing will be on May 17th. Keep in mind that we don't necessarily have to much comments to be made on second readings until that time of a public hearing.

Mr. Robert Tilk - 207 Wells Court. #6, the demolition of Knuth. I'm not in favor of this ordinance and I'll let you know why. As you've all been studying overall, golfing has been declining for the past several years. That means we are in competition for a smaller group of golfers. From my analysis, if it wasn't for our food and beverage and accessory area in our golf course, we probably would have showed a good loss over the last couple of years.

That's why I believe the demolition of Knuth is not a good idea because that will add something that the new plan doesn't have in it, a banquet facility. A banquet facility is a good idea because it is a revenue generator. I know both plans show revenue generation through accessories and food and grill, but only the older plan had a banquet facility and we're not talking a small piece of change here. We're probably talking upwards to \$50,000 year.

What is that good for? It is good to pay down debt because I know you have to borrow to do either plan. The new plan does not have this extra revenue generating aspect. I also noticed that the new plan did not address the parking very well, it wasn't very adequately done. Not enough was spent on it. A lot of work has to be done there. I noticed there are not even drains in the parking lot. It all slopes off the back into a swamp.

Golfers want the convenience of a banquet facility at the golf course. Just like they want the convenience of a grill to have a hamburger and a hot dog. Some people on Council mentioned that it might be unfair to our local caterers in Euclid who have put money into their own building for us to provide city taxpayer money to build a building and allow it to be used by caterers. But I say what's really unfair about it? All the caterers whether they are within our City or not, should be given an opportunity to bid on its use. We're putting in a grill and we don't think it unfair to the many bar and grill establishments that are located up and down the street. So I don't think we should feel it to be unfair to any local establishment.

It's all about convenience. Convenience to the golfers and generating revenue for the course. I would urge you to reconsider this legislation but uphold Resolution 226-2003, the one that is currently in place. The one that directs the Administration to go ahead and rehabilitate the golf course. If you give that your consideration, thank you very much.

Mr. Roy Larick – 23745 Lake Shore Blvd. I would also like to speak on #6. I respectfully ask Council to reconsider the demolition of the Knuth Center. My take on it will be somewhat different, the big picture, as usual. I'd like to talk about this in terms of looking at why people leave Euclid, why people don't like to recreate in Euclid. When I say leave Euclid is move to outlying suburbs such as Mentor, Solon and Medina. We all know that one of the problems in Euclid is that things are small. It is an old city. Our houses are small. Our public facilities are rather small. The advantage of the outlying suburbs is that we like big houses these days. We don't have big houses in Euclid. People like large facilities. Other cities are building larger facilities, those outlying. Commercial establishments, when they have the room in outlying cities build large establishments, large buildings.

I'd like to say that in the current building there, the Knuth Center or the Briardale Community Center as I prefer to call it, we have a gift from the past. It was a building built in the early mid-40's and it was built large for a reason to accommodate numerous day care activities. We have a building of high architectural quality. The construction is really nice.

Now that it is good weather I urge you to go and just look at the brick-work on it. Look at the moldings, the ornaments on it. They are handsome. This was built in the Jeffersonian tradition. Of a large central pavilion and wings off to the side. Once again if you go to Mentor, Solon and Medina, you see buildings like this being constructed today. They give multi-use possibilities.

We have this, what I would call an architectural gift and I think we should use it. The other thing here is this building has a significant history. I hope this is visible in the cameras. It is an award to the single Executive Director of the Briardale Community Center who began her employment in May, 1944 and ended it in 1971 when the operation was terminated. For 27 years Ms. Hazel Gaush saw to the day care needs of Euclid children, particularly in the projects, but farther a field. She had a very distinguished career at the Community Center. One of the things she got in 1968 a few years before her retirement is this award from the National Federation of Business and Professional Women. It was awarded to her for her really career long service in this community center.

I want to go back to 1944 built in the early mid-40's and it was built large for a reason to accommodate numerous day care activities. We have a building of high architectural quality. The construction is really nice. Now that it is good weather I urge you to go and just look at the brick-work on it. Look at the moldings, the ornaments on it. They are handsome. This was built in the Jeffersonian tradition, of a large central pavilion and wings off to the side. Once again if you go to Mentor, Solon and Medina, you see buildings like this being constructed today. They give multi-use possibilities.

We have this, what I would call an architectural gift and I think we should use it. The other thing here is this building has a significant history. I hope this is visible in the cameras. It is an award to the single Executive Director of the Briardale Community Center who began her employment in May, 1944 and ended it in 1971 when the operation was terminated. For 27 years Ms. Hazel Gaush saw to the day care needs of Euclid children, particularly in the projects, but farther a field. She had a very distinguished career at the Community Center. One of the things she got in 1968 a few years before her retirement is this award from the National Federation of Business and Professional Women. It was awarded to her for her really career long service in this community center.

I want to go back to 1944 to say that this Community Center was set up when our factories in Euclid were at full wartime production. What that meant was in the Projects as we called them, I didn't because I wasn't around but, as the Lake Shore homes were called the Projects, this meant that in a large number of households, both the husband and the wife, the mother and the father were working. This was the first time that this had happened in this country. Our modern production system were faced with the problem and Hazel Gaush was hired to see to this problem. Once again she had a distinguished career. In 1959 she wrote the script for a movie that was produced in Cleveland called When Mother Must Work. This was distributed nationally and won an award from United Appeal in 1959.

I'd like to suggest that coming back on what Rabbi Abrams said to introduce us, I'd like to ask you to save a life, a life who's home for 27 years was in the Briardale Community Center. I don't suggest that we name it after her, after all a golf facility may not be the best place to honor Hazel Gaush. But a room inside or some plaque or some marker to this woman's distinguished career. Lastly I want to say that distinguished enough that it was women like Hazel Gaush, she was at the forefront of the women who instituted, who innovated our modern day care patterns, our modern day care behavior. We have this right here in Euclid. The person and the building, its ours, let's keep it.

Mrs. Rebecca Conway – 291 E. 276. I have a couple questions about #2 on the agenda. I guess I would ask the Finance Director. Can you define agreements? This is Council is giving you the okay to go into negotiations and? You can answer now, that's fine.

President Sustarsic – That will be covered during the presentation. You can ask your questions, but they'll answer them once that item comes up on the Agenda.

Mrs. Rebecca Conway - #6, referring to the golf course. I guess I'm a little bit confused why Councilman Langman, Delaney, Kirsten Holzheimer Gail, that worked very long and hard Mr. Mayor on the previous golf course plan. Why they weren't on your new existing golf course committee now? Seeing that they worked with architects, they worked out all these options. I'm confused as to why they weren't part of that, the existing committee?

Mayor Cervenik – I'll answer that during the presentation.

Mrs. Conway – I'm done, those are my two questions. Can you answer them now?

President Sustarsic - They prefer when they make the presentation for both issues when they come up on the Agenda.

Mrs. Conway – I just hope that my questions and anyone else get answered tonight. Thank you.

Mrs. Susan McGinn – 141 Sunnyclyff Dr. I'd also like to talk about #6. I have a little bit to say before I actually get to Briardale Greens. I'd like to talk about what I see as a fundamental obstacle standing in the way of our development of our city. That obstacle maybe ourselves and the lack of leadership that we allow as Euclid citizens. This City lacks direction. It lacks ambition and we have no aspirations. Our goals are undefined and we allow it.

There seems to be a pervading inferiority complex with our City government. Mr. Sustarsic has been known to say Euclid is Euclid.

President Sustarsic – Mrs. McGinn, I'll have to say that you're slightly out of order because we're just addressing items on the Agenda this evening.

Mrs. McGinn – Okay, I'll skip over that. Our goals are intimately tied to progress. The City has many gifts. We have a great Lake. I'm sure many of you are proud of the development that has begun regarding our new marina that evolved from a vision. We have another jewel in the City, its Briardale Greens. But we're not taking full advantage of it.

I asked my husband before I came this evening, who happens to be a great golfer, would he and his company use Briardale for their annual outings. His answer was no. Why? No amenities. Second class driving range. Second class pro-shop. No dining facility. Yet a wonderful golf course.

Our city leaders are looking for ways to make money in the city, but they're willing to turn their back on the opportunity at Briardale by compromising the plan of the last City Council, what was approved overwhelmingly. I'm concerned about what I see as a compromising proposal, that the Mayor and the Special Rec Committee has made. Not so much because Briardale could flourish with the right vision, but more because it speaks volumes of our goals.

I'll just skip to the end. As Mr. Delaney and Mr. Langman have used the term, let's raise the bar, when will this be part of Euclid's vernacular. Consider your vote. Where are your ambitions. Evaluate your goals. Develop some goals. Don't settle for mediocrity. Don't settle for second place. Are you missing an opportunity? Is the city moving forward, or are we in decline? Let's temper our decisions with the sense of becoming a better city, not more ordinary. Thank you.

Mr. Michael Bryne - 94 E. 220 St. I'm not going to give you the big picture because I have a small picture. I run a league at Briardale, 36 golfers. It is one of the bigger leagues there. I think Tom told me its in the top 3. There's 41 leagues there. If mine's one of the biggest, I don't think we need a banquet facility to keep me there. But what I do need is more room for my golfers. There's 36 of us. Half of us can fit in that little shop that is in there now.

All we need is a bigger grill room, some outdoor facility for some other leagues that are in there because we're not the only ones playing on that night. I disagree with most of the people up here. I don't think we need a big facility center there. We just need to keep it clean and simple and upgrade what we have there. Thank you.

Mr. Tom Cooke – 25641 Edgecliff. My comments are in support of #12, & #13. As you know, the safety forces are the cornerstone of the community of Euclid. As long as the residents of Euclid have a sense of security, a feeling of wellbeing, knowing that parents can send their children to school here and they are safe. Knowing that one can walk wherever they want, whenever they want and not feel intimidated, they will want to live in Euclid and stay in Euclid.

The passage of Ord. (106-04) and (107-04) will provide a foundation for a whole series of technology advancements and upgrades that will streamline the current system and provide needed information by officers in the field in a timely manner in conjunction with other surrounding law enforcement communities including State and Federal law enforcement agencies. In other words, pertinent information will be sent and received to all parties involved with the speed and accuracy unknown to this Department. What this translates into is a safer Euclid.

Keep in mind while the primary focus has been on luring companies and businesses to move to Euclid, for attracting developers to refurbish apartments and build new homes, no business will move to Euclid if they are not convinced their businesses and employees are safe. No family will want to move to Euclid or stay in Euclid if a solid sense of security is absent.

The effectiveness of our police force and its ability to provide an environment that is conducive to a sense of community wellbeing as we know and want is directly related to how much we intend on investing in both technology and manpower.

While the officer on patrol will never be replaced by technology or equaled by technology, technology advancements greatly increase the officer's effectiveness and abilities in combating the criminal element. The passage of these two emergency ordinances should be the beginning of a concerted effort to upgrade and maintain our security forces on an on-going basis. In doing so, create a sense of security and wellbeing that translates into a major selling point for the City of Euclid.

I urge everyone on Council including Council President Sustarsic to show your solidarity and concern for the safety of all citizens and businesses of Euclid by voting unanimously in support for the emergency ordinances of #12 & #13.

Mr. John Herak – 78 E. 224. My comments #6 as well, the golf course. For the first 4 months of this administration's term, we have been constantly reminded what financial straights this city is in and rightly so. But this budget crisis continues to be a handy excuse for some poor decisions made by this administration.

One of those is about Briardale. Our golf course saga continues to baffle many of us. Last Council brought in professionals to enlist their help in designing a plan to ensure the future and viability of Briardale Greens. Several pieces of legislation were passed along the way. The process was going forward until our new Mayor halted the development. No Council input. No public input, just closed door sessions with Mr. Cervenik's hand-picked experts which included political insider want-to-be and a few other yes men, along with some Euclid employees.

President Sustarsic – Mr. Herak, if you could keep your comments towards the golf course.

Mr. Herak – To my knowledge, the only person qualified to be on this panel was the course pro. Who unfortunately is a paid employee of the city. Did anyone expect that Mr. Cervenik would be told anything other than what he wanted to hear? Everyone saw what happened to Bob DeMinico. Instead of raising the bar as to what people could expect at the golf facility in Euclid, we will sadly be left with a mediocre project designed by a group with little vision for the great golf destination Briardale Greens could have become. But we could not afford those grandiose plans we will be told. But by the time we get new bids, fill in the basement and get some new financing in place, we will most likely not save any money over the former plan. We will still be stuck with a facility that is second rate. But as our Council President and others have said, this is Euclid after all and we should not try to be what we are not. With that kind of attitude and lack of vision, Euclid will continue to lag behind other suburbs with amenities that are needed to upgrade the income level of those that live-in or visit the City of Euclid. Thank you.

Mr. William Hilf – 891 E. 237 St. Euclid. #11, for a change of pace. I would like to agree with the Mayor and all of Council in supporting this Resolution. For those of you who would like to know a little bit more about this Scene Magazine just this last week in their Wednesday issue had a small column that told some of the things that you could be seeing that if this legislation passes and the State and I thank the Mayor and Council for supporting this Resolution.

Now onto some of the other topics that have been covered tonight. I'll start with the Golf Course and I'll keep it short and simple. When the original plan started by the previous Council were shot down at the Board of Control, the quote that I saw in the News Herald was that the new idea would be able to serve an adequate number of people and do an adequate job. To this I say is that we're supposed to be a City of Superior Services and we shouldn't settle for adequate. We had a chance to build something that could be great, that could be something for the future and not something that was just a temporary cure-all, something that we wouldn't have to go back to at a later date and look at expanding.

The fact that a group of 36 is considered a big golf group right now at Briardale is great. But possibly with a bigger facility we could attract even bigger golf groups and increase the amount of usage that Briardale gets.

To the emergency ordinances #21 & #22, my question is this. The signatures were submitted, as far as I know. Enough signatures were approved as being valid by the Board of Elections. My understanding as limited as it maybe of election law is that it is generally the Board of Elections or the Secretary of State that decides ballot language. I wonder why the City is having to add an extra step to this tonight. This issue has already seen enough of the administration's and the Council's work on it. The voters of Euclid are the ones who signed those petitions, are the ones who submitted those petitions and are the ones who want this on the ballot and I don't see the need for the Mayor and the Council to add anything extra to it. Thank you.

Council Minutes

April 19, 2004

Page 6

Mr. Joe Udovic – 21371 Naumann. I too would like to address #6. I'm still not settled on what's going on. I'm going to talk a little bit about history this evening. From December 17, 2001 to November 17, 2003 there were about 7 pieces of legislation and many public meetings approving every step of the process to obtain a goal of a new Knuth Clubhouse plan. Current and former council members such as Gudenas, Lisy, McTighe, Gruber, Sustarsic, Miller, Holzheimer Gail, Delaney and Langman, have unanimously passed these pieces of legislation, every step of the way.

On a final meeting of November 17, 2003 following the recent city election that Council and former Mayor Paul Oyaski passed and signed an ordinance to prove the bids or final prices and they sent this to the Administration. After voting yes in all prior meetings, Councilman Gruber and Sustarsic decided to do an about-face maneuver and voted no since a new Mayor was about to be sworn in and entered into office. They switched sides at the last minute with the turn of election outcomes.

Last piece of legislation was to begin the Clubhouse renovation and completed by the 2004 golf course season currently underway. A decision was made on an untelevised meeting of the Board of Control, the only thing that occurred there was that the final bids were all rejected. An obvious no-brainer course of action would have been to resubmit new bids for this project. Instead, the current Mayor decided to look into alternative solutions, something new, different, to save some money down-size that has been previously proposed.

This current Mayor seems to be exercising a veto power that I believe that I he does not have. All legislation passed by the previous council are laws. All that Mr. Cervenik has completed in doing is the rejection of the bids. The only thing he has done so far is reject all the bids. All for the Knuth Clubhouse, pro-shop and banquet facility. Mayor Cervenik has no right of veto power. If this new ordinance passes this evening, and if the final outcome is that the Knuth facility building is demolished, then the Mayor by once again deception has vetoed the Knuth plan proposal.

Councilman Daly, by your co-sponsoring of this item, you too will be in cahoots with this deception. Thank you.

Mr. Dennis Berzinskas – 21890 S. Lake Shore Blvd. #6 & #18. Well again, welcome to Euclid the home of the wrecking ball. If you were so dead set about taking down the Knuth Center, you lived in Euclid, where were your voices before to say no? Before we went through a lot of problems? Where were you? You lived in Euclid, you could have said no then. Why do you wait until now? You need to have room for golfers and their lockers. You've got 10,000 sq. ft. in that basement that you can work on and use the basement for the golfers facilities. Banquet rooms, people don't want to go farther away finding places when they have facilities right there that they are more intent to use them there.

#18, can I ask what this actually means, this #18, is anybody prepared to address it? Is it a noise abatement or what?

Director Frey – I'll cover that during the presentation.

Mr. Berzinskas – I want to talk about it if I can find out what its about. Is it about noise?

President Sustarsic – You can address questions on it though but what we're saying is that can be fully addressed, whatever questions you might have.

Mr. Berzinskas – If it is for noise, I've had a lot of complaints lately, I've talked to a lot of people. That's what it's about. That's what we need.

Mr. Jerry Corbran – 24250 Maplewood Dr. My first order of business is to comment on #21 & #22. Consider this a formal oral protest over the procedure here. According to State law 3519.21 dealing with initiative and referendum, the Board of Election is responsible for the ballot language. The only input allowable is the person and the committee. This Council is not a person or a committee, in promoting the measure.

I have a copy of this for the Law Director to comment on the State Law, 3519.21 which is entitled Ballot Title Proposition or Issue. I went down to the Board of Elections and checked this, and apparently the Law Director is following what they told him, but I think they're all wrong. If you don't mind my saying. I don't think they read far enough. This is attached to the very end of the initiative and referendum process. Therefore, Mr. Nagy, would you deliver that to the Law Director please?

Then I want to speak on #6. My focus will be on the price differential between the proposed new clubhouse pavilion and patio totaling 8,000 sq. ft. Three-thousand eight hundred which is indoors. The 21,800 sq. ft. renovated Knuth Center which is all indoors and is still the approved project to record.

Keep in mind that the new proposal figures are provided by the architect and are estimates. And I repeat estimates only. On the other hand, the Knuth renovation bid package approved by the outgoing Council and Mayor Oyaski in November, 2003 are solid probable cost numbers compiled from a bidding process by the contract managers.

My examination of these architect's estimates has, I want to say that I respectfully raise the question, was everything included? Well to begin with the Knuth architectural fee and the abatement cost total \$246,000. It was properly charged to the new project. As was the \$60,000 proposed for the demolition of the Knuth Center which is on the agenda here tonight.

I part company at that point. Its been said that \$300,000 has already been spent on Knuth. And \$246,000 credit is \$54,000 short. Now there's an explanation for that. That \$54,000 can easily be accounted for in soft costs already paid for by the city and listed in the contract manager's package. They are kitchen consulting, Chagrin Valley Engineering Surveying, legal bids ads, bid printing, abatement spec monitoring, and the contract manager's cost, he's been on the job for several months. That could easily cover that \$54,000 that's missing.

Then I looked at the site development numbers. The Knuth bids were \$235,000 and that included \$98,000 in concrete. The new project estimate was \$99,000. A \$135,000 difference. Consider that a demolished Knuth Center will take a lot more site work. These numbers are probably for a reduced parking area repairs and so on and so forth. If so, the same reduction could be applied to the Knuth Plan and reduced the same number.

Also not included in the new plan are general requirements with a performance bond and a liability insurance, which were included in the contract manager package costing \$59,000. This requirement for the new smaller project should be about \$30,000. If the Knuth Center is demolished it will take 333 15-yard truckloads to fill the basement cavity. That's 5,000 yards of fill. Then it must be compacted in layers and then covered with 800 yards of topsoil. This cost could easily reach \$100,000.

Then because foundation of concrete, some of them are placed over the fill, you can't do that without piling. So the cost of piling has to be considered.

President Sustarsic – Mr. Corbran, your time is up.

Councilman Delaney moved to rise and report. Councilwoman Mancuso seconded. Yeas: Unanimous.

LEGISLATION

Ord. 64-2004 (110-04) \$2 Mil. Note for Budget

An emergency ordinance to provide for the issuance of \$2,000,000.00 Bond Anticipation Notes of the City of Euclid, Ohio in anticipation of the issuance of bonds for the purpose of providing funds to pay expenses associated with the settlement of health care claims, whether by reserve or otherwise, and to pay the cost of maintaining the City's Self-Insurance Program for health care benefits, and declaring an emergency. (Sponsored by Council President Sustarsic by request of the Finance Director)

Councilman Daly moved for passage, Councilman Gruber seconded.

Director Johnson – We have discussed this for a number of weeks now, the issue of borrowing. There have been a number of questions, a number of e-mails. I've tried to answer those as best I can. Also in this weekend's packet with the legislation was some literature that included our most recent bond rating from Moody's along with some other general information on bond ratings and how raters do rate cities on their bond issues.

This evening, if there are any questions, we have Mr. Harold Babbitt who is in the audience. Mr. Babbitt is an attorney with Calfe, Halter & Griswold, who has served for at least the last 15 years that I can recollect as our bond counsel. We also have in the audience Mr. Alan Baucco who works for A.G. Edwards. A.G. Edwards for probably an equal number of years has served as the city's underwriters. If there are any additional questions, I would like to request that you suspend the rules and they would be glad to answer any questions that you would have.

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

Councilman Langman – The proceeds of these notes, what account would those proceeds be deposited into?

Director Johnson – The general fund.

Council Minutes

April 19, 2004

Page 8

Councilman Langman – They would be deposited into the general fund. Do we have a projection of our health care expenditures for this year based on the first quarter? My direction being, would we need to use the entire \$2 million that you propose borrowing?

Director Johnson – Based on the projection in the budget presentation that we did in March, Councilman Langman, yes.

Councilman Langman – We don't have any updated projections on what our health care expenses will be?

Director Johnson – They are the same, councilman.

Councilman Langman – You're assuming the same projections. Okay so in the general fund then, is there a way to segregate those proceeds out within that fund so that they are strictly for the health care expenses?

Director Johnson – They will be recorded as a separate revenue line item called Note Proceeds.

Councilman Langman – But there won't be any separate account for those proceeds?

Director Johnson – Separate revenue account that will be titled Note Proceeds.

Councilman Langman – Perhaps I'm not following you precisely. There'll be a line item there, but generally speaking it will be one pie in the general fund, correct? How are you going to monitor those dollars?

Director Johnson – I am not really following you, councilman.

Mayor Cervenik – Councilman Langman, we're going to spend probably a little less than \$4 million a year in health care. We're going to borrow \$2 million. How do you want me to account for it? You're going to see a monthly report, a monthly line item of what we pay for our health care. It is going to exceed that \$2 million mark by August. How do you want me to account for it? How do you want us to account for it?

Councilman Langman – I would prefer that the proceeds of these notes, which I'm not terribly thrilled about doing in the first place

Mayor Cervenik – I'm not either.

Councilman Langman – That it shows up in a separate account so you know exactly where those dollars are and what we're paying out of that. That's what I would like to see.

Mayor Cervenik – We're going to be paying the health care.

Director Johnson – Councilman Langman, if the point is that you'd like to be informed at the point in which our health care expenditures reaches the \$2 million mark, I can do that, if that's what you're interested in.

Councilman Langman – I would like to see that, yes. You can have a separate revenue item, but ultimately those proceeds are in the general fund along with all our other revenues that go into it, is that correct?

Director Johnson – Should be sometime around mid-year, just past mid-year.

Councilman Langman – But those dollars will be in the same pool, is that correct? I don't mean to be difficult.

Mayor Cervenik – That's how the general fund works. The money in the general fund is used to pay general fund expenditures.

Councilman Langman – Including the health care?

Mayor Cervenik – Including the health care.

Councilman Langman – Okay, thank you.

Councilman Delaney – Director Johnson, what fund will be paying back the principle on the notes?

Director Johnson – It's a full faith and credit obligation that the city will pay for out of the bond retirement fund.

Councilman Delaney – The interest?

Director Johnson – The interest also.

Councilman Delaney – As well, bond retirement. It shouldn't surprise anybody, I haven't changed my mind. I don't believe this to be a solution. Much about what was commented about by Mr. Bauccho and A.G. Edwards in his letter to us, it is a symptom of a bigger problem. Next year we'll have more raises. I don't think this gets us ahead. It only brings us behind for next year. I fundamentally can't agree that this kind of solution is a strategy. Thanks.

Director Johnson – Councilman Delaney, I agree with you wholeheartedly. This is systematic of a problem that I brought to everyone's attention during the budget hearings. I also encourage Council to please consider how we go about resolving these problems before the end of this year. But I totally agree with you.

Councilwoman Hufnagle – Director Johnson, I wanted to thank you for providing this information to us. It was very helpful to me in understanding what we were doing here this evening. I would agree that what we were told in this memo is that the issue is a problem that has been ongoing because we have not been able to balance our budget, not just this year but in the previous years. That's what has brought us to this point. Am I understanding that correctly?

Director Johnson – That's correct.

Councilwoman Hufnagle – I wanted to ask a question about, in I know that we've had some suggestions that have come from Council regarding savings to the budget. I know that Councilwoman Holzheimer Gail had about \$140,000. Councilman Gruber had some. I had talked to Director Frey last week, a question regarding the same area. In last week's newspaper, Councilman Delaney was quoted as saying that he had several items, suggestions for the budget and I e-mailed Councilman Delaney and asked him about it. But as a side note, we have had so many viruses in our system, I'm not sure that he received my e-mail because I didn't hear back from him. Taking all that into consideration, the suggestions that have come from Council, are there enough to implement immediately? Is there any way that we could lessen this amount? Your opinion, it still has to be \$2 million?

Director Johnson – Mrs. Hufnagle, there were a number of suggestions. The suggestions that I have seen that could be implemented this year, absent any concessions from collective bargaining units, etc., don't total the \$2 million shortfall. Some of them are nice gestures, but they don't attack the \$2 million shortfall.

Councilwoman Hufnagle – Do they somewhat make a dent in it? That perhaps it would have to be quite that much?

Mayor Cervenik – I have that list here. Some of them we are looking into. Ask the Union's to open contracts. Community is asking how we can give raises when we don't have money. We are putting together a program and in fact I've got some of the papers today on our prescription drug program. One of the things that happened during the arbitration hearings was, instead of having \$12 payment for our prescription drugs, single source prescription drugs, the arbitrator made it \$2. Can't tell you why. Doesn't matter. Cost us a lot of money. So we're going to put together what it cost per bargaining unit, trying to get these bargaining units to understand what it is costing us and possibly, they will come and see. It might be a good gesture for them to do. I can't guaranty that they are going to do it. We're working on that.

Need to make immediate changes in health care. We are examining our health care. Eliminate, although we just got a report today from the Ohio, they do a survey of all the public entities, at least the public entities that answer. It is a rather lengthy survey. The 12th annual report on cost of health insurance in Ohio's public sector.

Our health care costs are considerably lower, considerably lower than the average in the State of Ohio. I just received this today. We are looking at that.

Eliminate supervisory positions and reorganize the Fire Dept. to eliminate a supervisory position. We are looking at that. I think I'm doing a pretty good job of eliminating a number of positions in City Hall that I don't feel are necessary and still being able to provide the service. That's an ongoing process.

Defer Civil Service exam as long as possible. If these can be deferred until 2005, this amount can be taken out of the 2004 budget. As we tried to explain through the whole budget process, deferring payments for a year, doesn't help us. Because they're there the following year. This is a long term deal.

Get rid of car allowance, small but symbolic. Across the board, 2 ½ reduction in overtime. We are trying to manage our overtime. The numbers on here stated that would save \$473,000. It wouldn't save \$473,000, it would only save \$47,000. There's a misprint on the sheets I did get.

Longevity, continuing service payments. Up until just recently we had eliminated longevity for all new employees. More recently I believe in these contracts, we now have a things called continual service payment. That brought longevity back into the picture. I don't agree with longevity, but you also don't take it away from someone who has already had it. You just stop it. You just have to say no, we don't do this anymore. It eventually does go away and it does save us a lot of money.

Take out Rec Salary and Asst. Service Director's salary to save in the general fund. Those amounts were not in the general fund at all. The tenth one was, reduce self-insurance fund transfer if possible. That's not possible. I discussed these items with the council people at length. We are going to work very hard in other changes in our health care. We are going to work very hard on eliminating managerial positions and any positions that we don't feel are necessary. But it is necessary to borrow that \$2 million.

If I might, I think its important, if I could read a couple of the paragraphs in the letter from Alan Baucco from A.G. Edwards. It is important that the general public understands this and I know they all haven't received a copy of this. It says, With respect to the proposed \$2 million not issue, it is not likely that the borrowing in and of itself will have a significant impact on the City's outstanding Aa3 long-term bond rating. Please note that it is unlikely that Moody's would even engage in the City in a review of its bond rating, as the issuance of short-term debt. Even if Moody's did undertake a review, this particular borrowing would be viewed as more of a symptom of a much deeper problem, that is, the budgetary imbalance of the City over the last few years. The budgetary pressures and the resulting draw down of the City's unencumbered general fund balance are the two most significant issues that would concern Moody's, and cause a negative action on the City's bond rating. Therefore he does not feel that the \$2 million note alone would affect the City's bond rating.

Regarding the effect of doing nothing, and slipping into fiscal emergency on the City's bond rating, he says yes, it would definitely have a negative affect if we sit here and do nothing. In conclusion, Mr. Baucco states that he does not feel that the issuance of debt is necessarily the problem, but the need to issue the debt is the problem. The fact that the City would need to borrow to meet operating obligations is an indication that there's a much deeper problem. This problem which in this case is an imbalance of the City's budget, will be the primary concern if Moody's chooses to review the City. Keep in mind that Moody's withholds the right to review the City at any time, even if the City does not borrow the \$2 million. Unless the basic structural problem of balancing the budget is ultimately solved, the City is at risk for a negative action.

We have committed to you that together we are going to take the action to solve our budget problems. Some of them will be painful, some not. But it is imperative that we have the ability to borrow this money. So that we don't have to cut basic safety services and other services to this community. I ask all of you for your support this evening. Thank you Mr. Chairman.

President Sustarsic – This whole budgetary process is an ongoing thing throughout the year given circumstances with the economy and what might happen insofar as the City of Euclid is concerned, what we might be able to benefit hopefully monetarily and from increases through taxation or whatever. There will always be legislation and we can adjust the budget accordingly. As was mentioned, this gives them the right to at least work with that amount.

Councilman Sustarsic – Just to have a better understanding, if this were to go down, fiscal emergency, I've read things that are happening with the City of Eastlake. What would happen to the City of Euclid if this went down? Fiscal emergency, what would happen?

Director Johnson – If you've been reading and following Eastlake, the State Auditor is now coming in to make a determination. If you can't pay your bills and you can't meet payroll then you run a general fund deficit that you can't close, the State Auditor has to determine whether there is a fiscal

emergency condition. Immediately, from what I understand, a Controlling Board is appointed. They will then make all the decisions with regards to expenditures, the issuance of debt and so forth. As a Council, you will be relegated to voting for whether you like it or not, the decisions that are going to be made by someone else in terms of expenditure items. I've heard, I'm not real positive of this, but collective bargaining agreements are out the door. When it comes to fiscal emergency this controlling board will decide how every penny is going to be spent.

Councilman Sustarsic – So in essence the administration and council losses control of everything.

Director Johnson – You'll lose total control. Until the fiscal emergency no longer exists.

Councilman Daly – In difference to my colleague Mr. Delaney, we needed to have a budget in place April 1st. To close that budget or pay for our obligations, there needed to be borrowing. Right now we project it to be \$2 million. I did review some of the suggestions and I did read in the paper where he said he was going to keep bringing solutions and work to the table. But solutions mean solving the problem, solving the \$2.2 million deficit. Chipping away at it, if we do, we still need to borrow, just do we need to borrow \$2 million.

I went through the suggestions and again, 6 of the 10 would require reopening negotiations, if they could be reopened is going to take considerable time. We needed to have a budget in by April 1st. The Mayor error, 2 1/2 % of \$1.4 million is \$47,000. Part of that overtime has already been spent. Also you're looking at how are we going to cut the overtime budget? Because overtime budgets are subject to things that are out of your control. The other suggestion about not putting money into the self insurance fund, we had to cut a check to the drowning victim who made a settlement with already. To not put money into that fund to cover those checks, we just cannot do it. We need to borrow this money. Some people say they can't vote for this budget, they couldn't vote for the budget, but if you sat up here on this dais last year, you voted for the budget over and over and over again. Starting with the police and fire agreements in March through the summer with the agreements with the other unions. Finally ending up with the new settlement in the drowning case last fall. So, 90% of that \$2.2 million was locked in. We're only discussing the top 10%, \$200,000 so there's no other solution besides borrowing that has been brought to the table. To sit here and say that I can't vote for it without offering a solution, and having sat up here, I just think we're not doing our job. Thank you.

Mayor Cervenik – We appreciate your support. I would like to say one thing about the overtime. A lot of our overtime is in the safety forces. Both Chief Maine and Acting Chief Cosgriff are taking very good administrative steps to reduce the amount of scheduled and unnecessary, I don't want to use the word unnecessary, but overtime that occurs because of scheduling of days off. They both have a very good handle on that and are working to have that done. The fact that we're staying at the moment of 16 men per day in the fire stations, also saves on that overtime. We are doing that.

You may say, let's only borrow \$1.8 million. Well, we came up with the \$2 million to allow us to know comfortably we are going to get through this year and we will have budgets in place for the next two years. If we find that we didn't need that \$2 million and say we borrowed \$300,000 more than we needed because of cuts and increases in tax revenues, we have the option of putting that money into the Bond Retirement Fund, which in effect brings us back to the \$1.7. Its about management again. If we all work together and know where we're going and manage our resources, we'll be fine. If we borrow two, it doesn't mean that we can't pay it back. We'll put it in the cash balance of the bond retirement fund. We've got over \$2 million in the bond retirement fund. We don't want to reduce that cash balance. That can be done and we will look at that on a monthly basis. We need your support and we need your cooperation.

Councilman Gruber – Director Johnson, when the previous Finance Director was here, I asked the question, what is the total debt load for the City of Euclid, including Waste Water Treatment Funds and other obligations the city has. At that time, which was 3-3 1/2 years ago, I believe the number was over \$60 million. Do you know what our current debt-load for the entire city is?

Director Johnson – Are you talking debt capacity? Or total outstanding?

Councilman Gruber – Our outstanding debt.

Director Johnson – I don't have that figure, but I don't believe its \$60 million.

Councilman Gruber – What is our capacity?

Council Minutes

April 19, 2004

Page 12

Director Johnson – Our capacity may be \$60 million, but our ability to pay is what's important. Not so much our capacity. Its like yourself applying to purchase a home and they tell you that based on your income you can afford \$500,000 home, you can make that payment. You know what you can pay and it may not be a \$500,000 home. The same thing with the City. We may have statutory ability to borrow \$60 million, but we also know what our ability to pay is.

Councilman Gruber – And we are will within our ability to pay, correct, Director?

Director Johnson – Currently, yes. We're following the same course that's been followed for the last 15-20 years.

Councilwoman Mancuso – Refresh my memory, at the end of this year we will end up with a projection at what? How much in debt will we be at the end of the year? Or will we have a balanced budget at the end of 2004 with this borrowing?

Director Johnson – We will not have a balanced budget, we have not had a balanced budget for the last 5-6 years.

Councilwoman Mancuso – Where will we be at the end of 2004? Approximately, based on going through this budget?

Director Johnson – Do you want my projection of what general fund cash balance will be? About \$100,000.

Councilwoman Mancuso – The end of the year? For January, February, March 2005, we will then have to come back and look at borrowing again?

Director Johnson – Hopefully no. Hopefully this Council decides before the end of the year, what direction we're going in and we know where we're going such that borrowing is not one of the options, not one of the alternatives.

Councilwoman Mancuso – Not to sound like a tired record, but when will we be receiving monthly statements on where we are at?

Director Johnson – You'll get the first one by the end of this week. I have a draft that I have reviewed and I'm not totally pleased with it. I'm also going to recommend alternative reports. What I've seen of the draft of the reports that you got previously, I'm not real pleased with the format because I think the format serves to confuse you more than answer the question. I'm also going to provide some alternatives. I'm also going to revise the income tax report so that it gives you a little more information. Since our income taxes are our largest single source of revenue in the general fund, I'm going to enhance the report that was previously handed out to you to show that we are actually doing a little better than our projections on a monthly basis. So you can see that on a month-to-month basis. You should have those by the end of the week.

Councilwoman Mancuso – My last comment, I usually don't do this but I'm delighted that all of Council had the opportunity to look at the suggestions the four of us put together and could critique them at such a high level. Every little bit we save would have made a difference. \$140,000 may not seem like a lot. \$3,000 may not seem like a lot. I tell you what guys, it's a lot of money. The City

Councilman Delaney – I want to respond to Councilman Daly. It's true the books are closed April 1st. We should have had a budget on the table at the end of January. It's the first time the city's gone this long without reviewing the budget. You're right. Overtime is being spent and that is the time to address it, at the very beginning of the budget. We have spent a lot of overtime because we're still sitting here waiting to put the final wraps on the budget. Took totally to long.

I did sit here last year and a lot did go on. The fact that a lot of things were being mentioned. But more importantly it was the year before, when Council had passed a budget for \$34 million and when we sat down in December, there was an amendment for \$2 million more dollars. We had approved a budget for \$34 million. We had put in budget cuts and the Administration did not follow them in 2001. That led to the monthly reporting. We waiting 16 months to get that monthly reporting. The very first report we got overtime was being, \$600,000 over. Because of that monthly report we were able to find it was \$300,000 due to a math. Our self-insurance fund should have \$1 million in it. That's right. That's what happens. Unless we can project that next year

we're going to be making a million dollars more than we took in this year, which I doubt, we have to look at the cuts. The cuts, if they don't come this year, will come next year.

The fact that we had terrible, unfortunate accidental drowning, a preventable death, I was in on that. I sat through that. We didn't have a deal on the table. We re-opened negotiations and as a result we probably saved the city somewhere in \$300,000 in payments because of the way the deal was restructured. Much of that did not get reported in the newspaper. Now that you're here, now that you're going through this for the first time, you'll see that experience will help you make decisions in the future. The fact that a lot is going to be made about e-mails and newspaper articles, but the real thing is to consider where are we going to be next year in result of borrowing \$2 million?

Just what Director Johnson said about going into fiscal emergency and having the ability to pay your bills. In the years past we had to use cash reserves. This year we're borrowing. That's not in my estimation or in my experience or my belief, my personal constitution, that's not paying the bills. I'm sorry.

President Sustarsic – Before we proceed, I'll have to say something here. This isn't a game show. This isn't a talk show. This is a business meeting. You'll conduct yourselves accordingly. I hear various talking going on, comments made in the audience. You had your opportunity at Committee of the Whole. For whatever reason you may have exercised it, you may have not decided to exercise it. But that's where you do it. Not when you had your shot, we're having our turn now. Similarly too, with this outburst of applause, I think its juvenile anymore. Its just ridiculous. You don't see it coming from Congress. You don't see it coming from the House of Representatives or the Senate down in Columbus. I think people have to grow up and assume the responsibility of maturity that they do have. Any comments other than that, any other actions other than that you're just showing your immaturity.

Councilman Daly – Just to reply. It was not an attack or a criticism of what happened last year. Because as I've expressed with Councilman Langman that if I was up here last year, I would have voted for everything that was passed because they were all passed unanimously. The only thing was the change in settlement. If there was no settlement on the table, then how were we able to come up with a comparison of how much we saved? There was a deal negotiated. It was rejected. So, the new deal that we came up with, was with a front-loaded payment, which was called for \$660,000 worth of payments over 2003, 2004, 2005. If we're going to agree to that settlement, we're going to have to come up with the money to pay for it. Yes, the self-insurance fund did have \$1 million in it. But, the last two years, no deposits, no money has been appropriated to that account. At the beginning of this year, there was not enough money to cover the obligations that were already on the account.

So this was not a criticism because I would have voted the same way. Now that we're here, we need to cover this budget. The only solution is the one that the administration is offered, which accounts for borrowing. Just because we borrow doesn't mean we have to spend it all. If we come up with further cuts, great. We'll keep working on that. To say we'll I'm just not going to vote for it, it just is not a solution.

Councilwoman Hufnagle – I have a question. I read the article I believe it was in Saturday's Plain Dealer on Eastlake and their situation that they are in. If we do not vote to borrow the \$2 million this evening, and there is no more room for cuts really in the budget. We have agreements with the fire union and the police union to not lay off any workers, how long until the State comes in? If I'm understanding what I read about Eastlake, the State is actually going into Eastlake, and they're going to decide whether they put them in fiscal watch or fiscal emergency which is two different things. So, if the State comes in and puts us in either of those categories and they look at our situation, can they force us to borrow the \$2 million?

Director Johnson – If a fiscal emergency is declared, and if there is a Board of Control, so to speak, that is appointed, they will make that determination and that is an option that is clearly available to them. Yes, they can order that to be done and it will be done. We could be doing the very same thing, but in a fiscal emergency, yes.

Mayor Cervenik – If I may add. We are, by taking this action, we are avoiding, even getting close to fiscal emergency. That's why we're going this. We had the ability to do this by Ohio Revised Code because we are a self-insured community. So that we do not have to contend with fiscal emergency. Now your question was, what happens if this isn't approved and we can't borrow, because we have collective bargaining agreements with our safety forces. Before I would allow ourselves to go into a fiscal emergency, I'd lay off 40 safety forces. Okay? Let the Union do their

thing in Court, but before I would allow us to go to fiscal emergency, you would force this administration to do that. But then we're not in fiscal emergency any more, then we're in emergency period. Then we've taken away the safety of our residents. This budget is about 60% safety forces.

Look at it another way. We're borrowing \$1.2 million to keep our streets safe and to keep our ambulance, EMS running and our houses safe in case of fire. I don't want to be in emergency status and I don't want us to be in a fiscal emergency status. If we all work together and move towards the future, we can do that. That's why I bring up the painful talk about the possibility of revenue enhancement, of charging for certain services that other cities charge for. Our residents have to make that decision. You have to make that decision. Because as the letter from Mr. Baucio states, if we sit here and do nothing, that is the biggest mistake of all.

Again, I want us to work together and cooperate. I don't like the words, other side, that side, this side. There's no sides in this. It's the 9 council people, it's my administration and it's the citizens. It's serious business that we're talking about here. Again, I would like us to stop the deviousness and have us work together. It is the only way we're all going to get through this.

Councilwoman Hufnagle – So we borrow the money this year. We could very well still find ourselves in the same situation next year. But, it would be without giving it our all for this year, which is something that we, this Council and this Administration has not had the opportunity to do. Am I correct?

Mayor Cervenik – We're going to give our all this year. But we've got some tough decisions to make over the next few months. As you get our projects for 2005 and 2006, you're going to see that there are going to be some tough decisions to make. Thank you.

Councilwoman Holzheimer Gail – Probably just a final comment. The Mayor had said a couple of things that I was going to say. Through the budget hearings, nobody wants to borrow money but we're doing that in order to maintain our quality and our level of service. It's not the best thing to do but given the circumstances of a couple of different individual items this year, it's justified in my mind.

Immediately after the last budget hearing when I talked about some savings, Director Johnson, Chief Maine, the Mayor and several of the Directors had asked me, show me what you were talking about. They were interested in those cuts and we're working with them so that I can get those to them individually. They're all interested. As soon as we see the monthly budget reporting, or however, we'll come up with a form that works and we see the projected budgets for the next two years, we'll know what we have to do. Hoping Mr. Chairman that we'll have a Finance committee soon after we get these reports and we need to dig in and start working. The employees know, the Directors know, if we don't watch what we're doing, if we don't save every cent we can save now, it's going to mean that many more cuts next year. I just wanted to make sure that I brought that to people's attention that they are interested in the cuts that I brought up. They're interested in managing and watching every single dollar that's spent and that's what we need to get through this. Not the best thing to do but it gets us through maintaining the services for this year and I think that's something our residents want to see.

Councilman Gruber – I would like to get a point of clarification from the Law Director on a comment that Councilman Delaney had made. I remember when we were discussing the settlement that Council met and we agreed on a \$15,000 limit for outside legal advice. Director, what was the final cost of the legal advice for outside?

Director Frey – My recollection, we spent somewhere in the neighborhood of \$37,000 with outside counsel in that case.

Councilman Gruber – What was the net result savings from that in your opinion?

Director Frey – The numbers I reviewed we saved nothing from the settlement that had originally been, the cash value of the settlement that had originally been negotiated.

Councilman Gruber – It was a tragic, preventable incident. Thank you.

Director Frey – Yes was certainly tragic.

Councilman Gruber moved to close debate, Councilwoman Hufnagle seconded. Yeas: Unanimous.

Council Minutes

April 19, 2004

Page 15

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

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

Passed.

Ord. 65-2004 (111-04) Agreements Medical Ins.

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into agreements for medical, stop loss, dental, vision, life and pharmacy health care insurance for eligible employees for up to a two (2) year period commencing April 1, 2004. (Sponsored by Council President Sustarsic by request of Finance Director)

Councilman Daly moved for passage, Councilwoman Hufnagle seconded.

Director Johnson – This piece of legislation, to answer Mrs. Conway’s question, this does not authorize me to enter into any negotiations. It does but we are not doing that. What we’re seeking here is renewals of existing contracts with Medical Mutual of Ohio, Advance for our prescription coverage and VSP for vision coverage and for dental coverage. I have not seen drafts of the contracts. I’m fully expecting that these are one year renewals. However I felt that if Council so desires that I would have a two year window of opportunity to renew these contracts.

We did ask our consultant Mr. Glen Szana with Group Health Care to solicit other providers. We did receive quotes and he reviewed those quotes. Mr. Szana is in the audience tonight and hopefully will be able to answer all of your questions, if you have any questions. These are basically renewals of contracts that we’ve done now for quite a number of years.

Councilman Langman – Director Johnson, I sent you an e-mail today and if you could, just for the audience, I asked whether we had in the past renewed these on a yearly basis or other multi-year basis. If you could address that please?

Director Johnson – In the past, your question Councilman Langman was whether its been a practice of doing one year renewals or whether we’ve done multi-year renewals. In the past we’ve done, for the most part, annual renewals. There have been an occasion in my recollection in the last 10 years or so, where we’ve gotten a 2 year proposal and reduced or contained rates for the second year. We have done two year contracts, simply because they’ve provided an incentive in the form of containment of the rates. We’ve done both. But from not having seen drafts of the contracts, my understanding would be that these would be one year renewals.

Councilman Langman – Perhaps given the debate we just had on the prior piece of legislation, perhaps a year contract or an annual contract would give us maximum flexibility as we go through looking at our entire health care delivery package. I know the Mayor is looking at that. I hope he can give us a more definitive time frame as to when it might be undertaken or completed. I think a year contract would give us maximum flexibility in this case. Thank you.

Councilwoman Mancuso – Is there a rate increase that goes with this one year contract or two year contract that we know of?

Director Johnson – Yes, there are rate increases. Also this includes life insurance. Life insurance will remain the same. There are slight increases in the administrative charges for medical mutual. Mr. Szana, I don’t know if you can help me out. We have the rates, I’m not real sure where.

Councilwoman Mancuso – I’m more than happy to have him address this, if he feels more comfortable with it.

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

Mr. Szana – I’m Glen Szana. I’m from Bowling Green, Ohio. The administrative fees for Medical Mutual, they are going up 4.56% this year. The stop loss rates, those are going up right now at 17.02%. What we also did was get alternate quotes on the stop loss. Your current stop loss is at \$100,000 specific. We received quotes for \$125,000 & \$150,000 specific. Depending on how much, how you want to balance that. If you would be looking for instance at the \$150,000 specific stop loss, that would reduce the premium by, actually, there’d be a decrease. Reduce the premium

by \$56,000 for the stop loss. So we're looking for different alternatives on the stop losses as to how to approach that.

Councilwoman Mancuso – Is there a, if we decide mid-year, we want to do something dramatically different because in 2 years our collective bargaining units are going to come up. And I caution all of us that that's too late to be looking at changes because arbitrators will say this is what you've done this is how it's going to stay. Where if we start now to make changes that even in July or August or last quarter of the year, we're doing due diligent to make some of these changes. By the time we get to our collective bargaining, folks, we have a much more positive stance at the table with them because we've set a precedent. Do we have any ways do some of these dramatic changes mid-year or do we not have to wait another whole 12 months before we make any changes?

Mr. Szana – I'm not going to answer on the collective bargaining...

Councilwoman Mancuso – No, no, it would be non-bargaining right now.

Mr. Szana – On the non-bargaining? If you want to look at the different stop loss levels, yes, that's one that can be done. That can be done mid-year, yes.

Councilwoman Mancuso – Is there anything else we can do?

Mr. Szana – Well, what we've also done is we looked at the prescription drug. We've got three vendors for prescription drug and we checked those out. The current, your current vendor, Advance PCS, that is the lowest quote that we got in. So what we did this year is we looked at all the lines of business to find out what is the actual lowest quote from all the different lines of business. And staying with Medical Mutual was the lowest and best. And staying with Advance PCS is also the lowest and the best for this next year. Because I wanted, we wanted to make sure we're not overlooking anything.

If you don't mind me saying so, when I work with groups, I try to look at all different aspects of the health insurance. And one of the things that, actually, the City of Euclid started this, this was the first one in the whole State of Ohio. You, probably some of you know, the jail facility, we use Super Med. We set up an arrangement that when inmates have to go some place for medical services we actually negotiated a deal with Medical Mutual we run them through the Medical Mutual system. We have someone looking at the claims, what has that really amounted to you. Over the last 4-1/2 years that's \$216,000 of discounts and of savings that you guys have here that wasn't done elsewhere.

That program that was started here went into other cities and it's the same one. And what we're trying to do, what I try to do is when I'm looking at health care, look at all aspects of it. What can be done? There's, I'll tell you another one right now that it can be done. I don't know whether it has to go through bargaining or not. This is what I have for some of my other groups what they're doing. One of the real expensive things for your health care program is covering employees that work for another employer. The spouse works someplace else, is eligible for coverage other there but because your benefits might be better, they're on our coverage here. Private industry has been doing this for a long time. Where if a spouse works someplace else, they need to take that as primary coverage. They could still be here for secondary, but the primary's over there. That's an option that's also out there. Whether that has to go through bargaining or not, I don't know.

But they still have had the benefits here but want you want to make sure you're doing, at least I think this is what you want to do, is to make sure you're giving your employees the best coverage possible. But you don't necessarily need to be covering the benefits, the health insurance for the local employers.

Councilwoman Mancuso – Thank you. Could I, when people are done with comments, I really think it would behoove all of us to hear this in more detail. If we can have the luxury to put this into Committee so that we could all look at this. I do believe this is very important and this is one of the beginning stepping stones moving us to fiscal responsibility in 2005.

Director Johnson – To Councilwoman Mancuso, I would urge that we could have a committee meeting to discuss this in more detail; but I would ask that you please not put this into committee. This contract actually expired April 1st so we're technically operating without a contract.

Councilwoman Mancuso – Are they willing to continue to do that? Have they said they will not do that with us?

Director Johnson – We've indicated to the providers that we intend to renew the contracts and I think Mrs. Evangelista has informed them that we would, hopefully, know something after tonight. So I would say that to postpone this...

Mayor Cervenik – If I could add, Ms. Mancuso most of the changes you're wanting to be made can be made regardless whether this contract is in effect or not. If we're talking about doing as Mr. Szana said the spousal employee employment contract and if we're talking about increasing co-pays and contribution amounts for non-unions, all that can be done with this contract strictly in place. I think Mr. Szana made it pretty clear that the numbers we received are the best that we've got right now. I can go through some of the numbers in this report real quick and that, like I said, we just received this today. The average total monthly cost of employee healthcare benefits including ancillary benefits in the State of Ohio for governmental units was \$374 for single and \$904 for family. Our average for, our average was \$402 for medical and 150 for ancillaries. We're well under that limit. I don't have the breakdown by ours by single and couple, but I can get that. I think our rates are very good. It's just the amount of contributions in some other policies that the City of Euclid has never put on their employees.

Councilwoman Mancuso – Plus this is going to go up. I mean, we need to build in these rate increases for this next year...

Mayor Cervenik – Yes, they are going...

Councilwoman Mancuso – into this, I mean, 17.2 and 4.5 is real dollars here. So if we don't change this, I'm going to keep saying it. You're going to get sick to death of it, but we've got to do this stuff now.

Director Johnson – As the Mayor said, we can make changes to our existing plan with these contracts in place. We, at the settlement of every collective bargaining agreement when some of the collective bargaining units had to start to contribute the \$15 and \$30 a month, that amounted to a change to our plan and that was implemented in mid stream. So we can make amendments to the plan at any particular time.

Councilwoman Mancuso – Mid stream, so we decide we want to do something third quarter we can do it. They're not going to tell us no.

Director Johnson – Right. What we can't do is go to a fully premium-based...

Councilwoman Mancuso – Absolutely, but we have to start somewhere.

Director Johnson – Right, but we can amend this existing plan, yes.

Councilwoman Mancuso – And it'll take effect this year? It won't be amended to take effect a year from now?

Mayor Cervenik – If your legislation puts significant increases and contribution limits and other items such as that, your legislation would take immediate effect. Mr. Chairman, the Administration would be happy unless Mr. Szana tells us it would increase the cost of our contract to also go with just a one-year contract at this time. If that doesn't affect the administrative cost, knowing that they would have our account for two years, I have, one year's fine.

Mr. Szana – It's not going to.

Mayor Cervenik – Okay, thank you.

Councilman Langman moved to amend the legislation to make it for one year rather than two; seconded by Councilman Delaney.

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

Councilwoman Holzheimer Gail – Mayor, did I hear you correctly to say that in the budget for healthcare numbers this increase is included already?

Mayor Cervenik – Yes, Mr. Szana had given us a projected increase based upon industry and we're very confident our number is, providing no catastrophes happen, our number in the budget, we will not exceed that amount, yes.

Councilwoman Holzheimer Gail – Okay. I think certainly, you know, the need to act on this tonight is here. But Councilwoman Mancuso brings up an excellent point and I think it would benefit all of us to have a committee meeting or a whole discussion on the healthcare plan and, you know, just layout exactly what exists and we could look and discuss options for changes. This is for the administration of the contract only. It does not include any of the specific items so we do have room to make some changes and I think her point is good that we should begin discussing that.

Mayor Cervenik – Mr. Chairman, you set a meeting date. Give us a little bit of time, we'll make sure that our consultant is there and we've got annual reports and do whatever needs to be done to tackle the problem.

President Sustarsic – And I think what that that just might be an Executive Committee so that all of us can participate. Okay, any other brief comments or questions?

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

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

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

Ord. (082-04) Rezone 962-964 E. 223 Street

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. (Sponsored by Planning & Zoning Commission)

2nd Reading; Public Hearing May 17, 2004.

Ord. (083-04) Rezone 23120 Lake Shore Blvd.

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)

2nd Reading; Public Hearing May 17, 2004.

Ord. 66-2004 (109-04) Euclid Medical Office Plaza

An emergency ordinance authorizing, empowering and directing the Mayor of the City of Euclid, or his designee, to enter into a Special Storefront Renovation Agreement with EOM Properties Co., Ltd., owner of the property located at 26250 Euclid Ave., known as the Euclid Medical and Office Plaza, for the provision of a grant in the amount of \$72,300.00 as reimbursement of 30% of the \$241,000.00 cost of eligible improvements, plus reimbursement of up to 41,500.00 for needed architectural design services. (Sponsored by Councilman Gruber by request of the CS&ED Director).

Councilman Gruber moved for passage; seconded by Councilman Delaney.

President Sustarsic – Mr. DeWine, do you care to speak to this?

Manager DeWine – Euclid Office and Medical Plaza was acquired several years ago by EOM Properties Co., Ltd. The building prior to their ownership had fallen on rough times. Occupancy when it was acquired by EOM in May 2001 was about 55%. It is now 68%. The building owner is actively attracting and retaining tenants. In order to accomplish this almost \$1 million has been expended on improvements to the interior common areas. In 2002 the Department of Development

worked out an arrangement for repaving of Magnolia Drive, which is the Euclid Avenue gateway to the property almost 12,000 was spent on this improvement. At that time serious discussion took place to leverage improvements to the outside of the property. They budgeted almost \$241,000 has been allocated by the owners to make comprehensive and substantial improvements. Proposed improvements included 2004 landscaping of the rear entrance and the installation of an irrigation system, creation of some handicap parking spaces, removal/replacement of existing concrete curbs and sidewalks pursuant to plans to be approved by the City's Architecture Review Board. Extensive resurfacing of the parking lot. If you visit the property, it has a large amount of parking area. New curbing, handicap door controls and new canopies leading to the building. The owner in 2005 proposes to spend additional funds to resurface the parking lot, additional areas of the parking lot. Improvements to the front entrance in addition to three flagpoles.

The preceding improvements will make a highly visible and positive change to the physical appearance of the building. Funds for the project will come from the 2004 and 2005 CDBG entitlements. In 2004 it's suspected that \$133,000 will be expended with the City reimbursing about \$40,500. In 2005 about \$106,000 is projected to be spent with the City reimbursing almost \$32,000.

President Sustarsic – Thank you. Any questions, comments?

Councilman Gruber – Thank you, Mr. DeWine, for working on this for us. This is our largest office and medical plaza in the City of Euclid. I've been working with Greg Elliott and the owner, Mr. Thomsic, for quite a while. They're doing an excellent job over there. They are attracting and retaining some very nice high-paying jobs. So it's important that we work with this. I encourage everybody to go up there and look at some of the improvements are going to mean to the area. Again, this comes from Community Block Grant monies some Federal monies that are coming back to the City. So I strongly urge my Council colleagues to vote in a positive manner on this. Thank you.

President Sustarsic – Any other comments or questions?

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

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

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

Ord. (092-04) Golf Course Club House - Pulled

An ordinance authorizing the Mayor of the City of Euclid, or his designee, after advertising for bids, to enter into contract necessary for demolition of the Knuth Center and to construct a Golf Course Club House and pro Shop at Briardale Greens. (Sponsored by Mayor Cervenik and Councilman Daly)

Councilman Daly moved for passage; seconded by Councilwoman Hufnagle.

Mayor Cervenik – You have before you tonight, Council, a resolution, an ordinance authorizing, reauthorizing the expenditures of these funds for the Golf Course. A few weeks back we made a presentation here to you and showed us the committee's plans for what they felt would be best for the Golf Course and we hope you agree.

During that meeting there were a couple of questions that were raised. The committee went back and talked about them a little bit and the results are as follows. There is some mention about adding an additional room onto the golf course building to play cards in. After the meeting we also received an e-mail that talked about turning, having a room there that would be a humidor where you could sit and smoke cigars. We felt that both of those #1 would add additional expense on to the building, obviously, and #2, again, it would take us away from our vision of having a golf course facility built there.

The grill room itself will make for a very nice meeting space during the wintertime when, you know, the golfers aren't in there. Secondly, there are at least 3 if not 4 or 5 newly created meeting spaces at the Senior Center down at Euclid Clubhouse. Those meetings can all be held

simultaneously because they have separate exits and doors and it just felt that to spend additional money to create something that's really not part of the Golf Course just was not necessary.

Another question was brought up and it has to do with the proposed historic part of the building. That an organization said what if wanted to sell the bricks? If there is an organization that would like the bricks or has a program where they would like to get the bricks and sell them to make money for their causes. Please give us a call. Come in and see us. We can arrange that. Demolition will not begin until some time in August. So again, we just feel this is a very cost-effective and a very positive, positive thing for the Golf Course.

I was asked a question concerning why other Council people weren't on, well, I picked the Recreation Director to be on the committee because, obviously, she should be. It's in her domain. The Service Director and the Building Supervisor were picked to be on there. I picked the Golf Pro and the Groundskeeper, which was not done before, to get their input. We had a citizen, Mr. Ilcin, who is an avid golfer and a consultant with a rather large consulting firm that I've known for a number of years. And I picked Mr. Daly as the Council representative because Mr. Daly is the Chairman of the Recreation Council Committee and that's why I did that. So and I really feel that the combination of the people on this committee came up with a very good proposal.

We talked a little, there was a little bit of comments about the site plan. Well, true, our conversations and what we didn't present to you last time without the, we were able to make some dramatic improvements on the driving range without any, without going over our budget. Okay? We're going to remove, when we fill in where the building, where the present building is, there's only a small portion that needs engineered fill. A great portion of the footprint of the existing building does not need engineered fill. Engineered fill is a more expensive fill that needs to be there so that when you build on top of it. So what we're going to do is scrape off, and I don't know how many feet, but quite a bit of yardage. Virtually all of the yardage that's needed to fill the non-engineered area of the footprint of the old building with the soil from the driving range. That will allow the Golf Pro and our Grounds Superintendent to not only bring in some topsoil, that will be covered in our budget, bring in topsoil; but they will be able to create a number of target greens at the driving range to better improve that. Grass will grow again at our driving range. It will happen. All of this fitting in with our budget and a lot of this was brought about by the Service Director's conversations with a number of people as well as Mr. Bernie Zofcin's, the architect. So those are good things that are going to happen. So that's another improvement that's going to happen that wasn't brought to you. We will keep us under budget.

That's pretty much it. I really feel this is what the Golf Course needs. I feel this is what the City needs. I do not feel that the City needs two banquet facilities in this community. We will have a banquet facility, one of the rooms at the Clubhouse is going to be a beautiful banquet facility and we hope the residents use it. And again, we just ask for your affirmation of this and I'll answer any other questions you may have.

President Sustarsic – When all is said and done, what would be the approximate savings then as opposed to what the initial plans were and with the downsizing as proposed?

Mayor Cervenik – Mr. Finance Director, correct me if I'm wrong, but I think we're looking at about 800,000?

Director Johnson – Yes, the, there was \$1.2 million that was issued in initial debt. And with the total of the bids that were taken, the total cost of the project would have been 2.1 million.

President Sustarsic – This is just a re-affirmation like was mentioned as to what was called for.

Mayor Cervenik – And we're quite confident with the numbers. The same architect that worked on the previous project was used here and if his numbers came in pretty accurate before, they should come in now. I give you assurances that if the bids come in and they're not what we expected, we will not award those bids either. But we fully expect the bids to come in.

I also expect to propose to you when it's time to go out for bids that we enter into a project labor agreement with our local union leaders. This is an ideal project to allow that to happen. Project labor agreement would have union contractors, organized labor companies only, bidding on this project. They will guarantee that we will have a good number of bids and that the prices will come in well within our numbers. And the good point of that, in turn for using union local contractors to keep our local residents in northeastern Ohio busy instead of out-of-state contractors, the building will be done on time. That's part of the project labor agreement. But that's a little bit farther down the road. We're working on that. We'll give you more information on that. The City schools recently entered into a project labor agreement with organized labor for all the

improvements that are being done at the two open, newly opened buildings. From everything I hear, it's going along very well. But that would be a separate piece of legislation for you.

So again, I just ask for your support on this. I think you'll all be very happy with the end result and that's it.

Councilman Delaney – There were a couple other questions that need to be answered, but. I disagree that the Pro or the Groundskeeper weren't kept in the loop in that year and a half. The physical plans hung in the building for that for over a year, I mean, it was, you know, it would be mind boggling to say that they wouldn't be able to go to Director DeMinico and discuss it. I believe those conversations took place.

About the 1.2 million bond issue and I believe it was brought up, that was for the Knuth Center by renovating, furnishing and equipping an existing building. Director Frey, can you or Director Johnson, can you tell me, the money we borrowed from the bank specifically was to renovate the Knuth Center?

Director Johnson – It was to do a Golf Course project, yes.

Councilman Delaney – No, legislation, Golf Course Clubhouse by renovating, furnishing and equipping an existing building. That is how we, that's what we took to the bank and that's how we borrowed the money. I'm worried that we're putting the cart in front of the horse. We're talking about demolishing the building. I believe that I'm interested in seeing what the alternative ideas are. And I don't think that one Committee meeting with a lot of cost estimates compared to what rock solid job bids were. I'd like to put this into committee. I'd like to consider this more. I think that we need more public input as we can see from tonight there're a lot of people with a lot of questions. I'd like to see these plans physically next to each other. The idea of meeting rooms, I don't think the idea was for meeting rooms. I think the idea was to create more revenue streams, to have more interested golfers there throughout the wintertime. If you're totally opposed to a banquet facility, there's plenty ideas we could use to retrofit, re-adaptive use. We could use an indoor driving range. That would bring golfers to the Golf Course in wintertime.

Now I don't say these things to be fickle or facetious, but I think it's worth looking at our recent history. There's a certain philosophy here. If we'd have followed it, the Henn Mansion would be a pavilion. The Shore Cultural Centre would be a grocery store. The idea of the Mosspoint block that has the Beach Club Pizza was supposed to be a City parking lot. A City parking lot next to a service station on our main thoroughfare on Lake Shore Boulevard. We have one of the most popular places in the region because of the preservation of the building. It's not historic. It's a charming older building. 205, I think we've suffered that for 4 years. We had a budgeted amount of abatement of 130,000 and then a half million in cost overruns. Century Corners, I think that we did this much of the same process. Where we ran in, we demolished the structure and now we're still to this day hoping to fill it up. Fire Station #2 on Euclid Avenue that was supposed to be torn down and turned into a pocket park. There's a person in there, bought the building. They are taxpaying business in our community. How many times can we look at all these examples and still keep going backward and saying oh, well, we just got to tear it down? I don't believe that.

I think that the fiscally responsible thing to do is to look at re-adaptive use. There is much that has been written and studied over the years that says you got to quit knocking down these buildings and put them in the landfills. If we're going to build a building at the Golf Course, we have one. We should utilize it and there's a way to retrofit that building that it would be much like a member of the public said, things that they're building today, similar examples of architecture. You're not going to find masonry done that way. This is a building that offers room to expand. The idea is to compete.

We see golf courses around us closing. If we want a park, put a park there and houses around it. If we want a golf course, let's build a golf course and let's compete. Thank you.

President Sustarsic – Okay, what we'll do, we'll take a short break, approximately a minute and half while they change tape and we'll continue this discussion.

President Sustarsic – If everyone would please take their seats, we can get started.

Councilman Daly – Since the meeting 4 weeks ago comments from the general public have been overwhelming positive. I was surprised at the comments before the meeting. I had not heard any negative comments. The only was a question from one of the person's who spoke, but the overwhelming reaction, especially from the users, the groups that either have outings or have leagues at Briardale was extremely positive. So that came as a shock. So get back into the reasons

why we need to go forward with this, one of the former Council members had written an article and talked about needing to bring in the outside professionals to help make the decisions to be made based on facts. And he wrote that the architectural firm, Brandstetter, Carroll and Zofcin was asked if it was better to keep the historic Knuth Center building as the clubhouse or tear it down and start over. After doing extensive research, they recommended keeping Knuth. But then at the meeting, you know, we hear from Mr. Zofcin that he did an assessment on the building. That his report he said, I questioned the prudence of spending a lot of money on that building. That a lot of money was needed, you know, to put that back into being a viable facility, so he questioned whether we should be spending this kind of money on that building. But if that was the direction the City wanted to go, he would come up with the plans.

The other professionals, and again, the committee retained these professionals that worked on both plans. Cini-Little was brought in to do the catering on this. And it was reported that Cini-Little was retained to help plan a banquet facility inside the Clubhouse. Because of their expertise and contacts, 7 firms provided written proposals to lease the banquet facility. So that was what was out in the public that Cini-Little through their professional contacts was able to generate 7 written proposals for operating the Golf Course Clubhouse. When Mr. Ron Kooser from Cini-Little came to our meeting, he said when he went out, out of the City to talk to his contacts there wasn't any interest. The discussions about the banquet facility, I think everyone questioned that. So, you know, when we got into the information leftover, there was only 1 actually proposal with numbers attached. So that's a huge discrepancy, 7 proposals versus 1 and Mr. Kooser saying that his contacts had no interest.

The other thing that Mr. Kooser brought out that, obviously, the Henn Mansion and the new Senior Center are the most attractive things that you have. That the reason that we did get the bid that we received was contingent on Sammy's having exclusive rights to the Henn House and to the Senior Center and throwing in the Knuth Center. You know, that and I'm sure if, you know, Friends of the Henn would be very shocked if we were going to be giving exclusive rights for Sammy's at the Henn House. But that's where the \$52,000 came from Sammy's saying we'll give you 52,000 we want these three facilities. And after the meeting Mr. Kooser, who is our expert on catering, said this is a better proposal. This new proposal is a better way to go and actually you might now want to go back out and ask for bids with this new facility involved. So I mean, when our experts on our other, you know, that worked both proposals are saying we know you to go in this new direction, I think it's, you know. We are not making the decisions we're listening to our experts who are saying this is the way you should go and we're saying a million dollars or, you know, between a half million or a million at a time when, you know, that's very important.

So the golfing community has embraced this and I think we should follow the advice that we've been given and go ahead, you know, with the new plan. Thank you.

Councilwoman Mancuso – Two points of clarification, we have a law on the books now that was passed by Council that says we're going to renovate, correct? Is that not passed by Council, that's where all this is coming from, don't we have a law on the books now?

Director Frey – I'm not familiar, as I sit here now, with what legislation predates this. I can't, I'd have to look and see what the language of that legislation is. I don't know the answer.

Councilwoman Mancuso – I think we need to know that to see if we're legally even go from there to here in one vote. The other question I would have is also to clarify our 1.2 million. I wasn't here. Our 1.2 million for renovation, did we borrow the money saying we are going to renovate not demolish, rebuild? Did we go to the bank saying that and do we need to stick with that? Do we have that kind of latitude or was the 1.2 million to refurbish and an ordinance that was passed by Council that says we're renovating not demolishing?

Director Johnson – I believe that we have the leeway to do what we're proposing to do. I also, to clarify, I believe there was a resolution or several resolutions that were passed by Council authorizing the Administration to go forward with the previous plan. I don't believe those were laws. I don't believe those were ordinances making it mandatory that we do those. Those were authorizations to allow the Administration to go forward.

Councilman Delaney – Sorry, Director Johnson, I have here Ordinance 73-2003, last year. An ordinance to provide the issuance not to exceed 1.2 million bond anticipated notes of the City of Euclid, Ohio in the anticipation of the issuance of bonds for the purpose of building a Golf Clubhouse by renovating, furnishing and equipping an existing building and improving and clearing sites and declaring an emergency. An ordinance, so the legislation we have in fact in effect is that what we've basically done is we've cancelled the bids in the Board of Control. The Golf Course

plan is a legislation that's in effect as far as renovating the Knuth Center and today we have in front of us an ordinance just to flat out demolish the Knuth Center without definitive answers on both plans.

Again, it's more about polling existing golfers. We what to know about the business we're not getting. We want to know more than just the person who was hired to do the job. Our architect's been hired 3 times to do this job. And he does exactly that. He says he goes in the direction that the City tells him to go into.

So I don't know about the meeting 4 weeks ago. The community input might not have been as strong because there was no legislation in front of us and that's just the spirit of what we do. If there were legislation in front of us, I think that Councilman Daly would have heard from a lot more people. Thank you, Mr. President.

Councilman Daly – Just to clarify, the ordinance that was passed was for the 1.2 million borrowing. The final bids was a resolution passed. That was the last piece. That's why, I believe, it was able to be stopped in Board of Control without coming. That's how I recall it happening there at the end of the year.

Councilwoman Mancuso – Again, I ask, can we get some clarification on this before we go any farther?

Mayor Cervenik – Yes. Mr. Chairman, if this ordinance is supported tonight and he's not here now, Mr. Bauccho and Mr. Babbitt are gone. I will talk with Mr. Babbitt in the morning and if we need legislation to actually use the 1.2 million that was already borrowed and sitting in the account, we will bring that to Council if in fact you support this. We won't spend any of that money until we have proper legislation, you know, that's, if you have to amend it, you can amend it. I don't think it's going to effect the bank. I don't think the bank that lent us the money, the people that purchased the notes are going to care one way or the other but if Mr. Babbitt, who is our expert, insists that we do have to do that. We will do that.

Councilman Delaney – Well then, what's the rush? Why can't we just put this in committee?

Mayor Cervenik – What's the rush? We need to get moving forward. If we want to try and have this facility opened by next year, two weeks is not, two weeks for you to vote is not a problem for us. If we have the support tonight, we will get a hold of Mr. Babbitt. If Mr. Babbitt says legislation is needed, my gut instinct is not. Mr. Babbitt knows what is going on here.

Councilman Delaney – Okay and what is imperative is what this ordinance says, legislation, the law that's in effect right now. I think that by putting this into committee and being able to bring, you know, shoving it through again is going against what the law says. So in order to methodically go through the process, put it into committee and meet on that. We have two weeks.

Mayor Cervenik – If Council puts this into the committee and allows it to be heard so that we can act at the next Council meeting, we're amenable to that. If the, if the intention here is to delay, delay, delay, then I'm really not amenable to it. But that's again, it's Council decision. It's your decision to do what you want. The Administration is telling you right now. The Mayor is telling you right now that if you put this into committee we would certainly ask that it be heard before so that it can be brought out if members of Council so desire for the next Council meeting to be acted on. We are running out of time. So I have no problem putting it into committee, but I would respectfully request that a committee meeting be set so that we can have it at the next meeting.

Councilwoman Holzheimer Gail – Does this, this ordinance authorizes only the bids for the demolition or is it also going for the bids for the construction as well?

President Sustarsic – This is the construction as well.

Director Frey – Yeah, this is as, this was written, Mr. Chairman, Councilwoman Gail, this would have authorized both the demolition and the taking of bids for the building of the new facility.

Councilwoman Holzheimer Gail – That's what I thought and I thought I heard the Mayor, maybe I misheard, that would come later. My, I guess I do have a concern tearing down the building before we see the bids for the actual construction. As someone who was part of the last Council and was interested in the full banquet facility, that was with the understanding we were borrowing 1.2 million. When we got a final resolution, everyone, I'm sure remembers, you know, there was some

Council Minutes

April 19, 2004

Page 24

struggle there because of the new bids that we had gotten or the new cost estimates that we had gotten. You know, to be honest with you I like the new plan. I think the, I think, I think the catering business is a tough business, the banquet business. I think to have two so close competing will be difficult. Will we get more golf outings? Probably, but I think we're going to get more golf outings with the new pavilion and a new, the food service that will be available. But I'm concerned with going ahead with demolition before we see the actual numbers. And I know that won't be answered in two weeks.

Director Johnson – A part of this, a part of this resolution authorizes us to continue with the architect to continue incurring costs with the architect. So I'm not real sure that we have the authority to continue to expend the money with the architect to work on the new plans to develop specifications in order to be able to go out to bid.

President Sustarsic – So what might the pleasure of Council be?

Councilman Gruber – I'd like to comment a little bit on this. There was some comments made by, I believe it was Mr. Udovic, that did an about face on it. And the reason that I voted no against it is because of the cost. It had risen significantly and this comes from our funds that could pave roads and do streets and curbs and sewers. I didn't feel it was fair to the people in the rest of the City that don't use the golf course to go above and beyond the costs that were initially approved. So that's why I did vote against it. And the Mayor, according to our City Charter, does have veto power in the City so just for Mr. Udovic's edification.

We were told, also, during the comments we need to raise the bar. And then there's a comment made about one of the private citizens that are on the committee there was some derogatory remarks. Well, after speaking to that private citizen, I realized that he is on the Board of the Shaker Country Club, which I believe is probably one of the most prestigious country clubs in the area. He's golfed at Augusta. He's golfed at Pebble Beach. I found something out that they only wrap their sandwiches in green paper at Augusta because then if it falls on the grass it won't be noticeable. They don't make hamburgers because the smoke interferes with the golfers. The favorite sandwich of the day is chicken salad. Now these are things that I'm sure that our golfers here on, in Euclid are aware of but just maybe didn't bring it to the forefront.

The cost to renovate an older building is approximately 2 times that of a new construction as we're finding out down at the Senior Center. So these are all things that have to take into effect. I think people like to see new. Excitement builds when you have new, 205, the project that's going down at 242, these are new projects that build excitement. And, and the golfers will come. It's I think now we're up to, we'll be able to seat almost 60 people in the grill room. Is that correct, Councilman Daly, almost 58?

Councilman Daly – Twelve at the bar and then 44 at the tables so 58 total.

Councilman Gruber – Right. It's a positive thing. It's a step in the right direction. I know there's concerns. We can, we can, you know, try to save every old building in the City and we'll be known as the old town. So maybe it'd be good if we do look at new. We look at cutting edge. We look at things that people that have been places and done things that recommend and listen to the experts for a change. So thank you.

Councilman Langman – When we looked at this project, last Council, that is. It was basically a two-year process where we had various committee meetings looking at it, various discussions during Council. And yes, during that time, the architect did recommend keeping the old building, the Knuth Center. I think we should stand for trying to preserve as much of our historical architecture as possible if it falls within sensible financial parameters. I don't think it would hurt to put this in committee to discuss it more. We've only seen one conceptual presentation. Obviously, Councilman Daly, you've sat on all those particular meetings the rest of us have not. So I think compared to what we did on the plan that the Administration has rejected, I think we can take some time to review it carefully before we go forward. I'm not ready to give the okay to demolition that building. But I didn't see any alternatives as far as, perhaps we don't need a huge banquet facility, but can we preserve that building and utilize that space. I didn't see that option presented and maybe you didn't look at it and maybe you did. I don't know that for sure, okay? But again, we should have more information before proceeding with any of this so I recommend that we have at least another committee meeting to discuss this in more detail. And if we need to bring in the experts that were part of it that Councilman Daly mentioned, then I think we need to do that. Thank you.

President Sustarsic – Question for the Administration. Say if this was to be put off this evening, would it be feasible to go out to get an idea what type of bids we might be able to get prior to this going further? I mean, depending upon timing or anything else like that.

Mayor Cervenik – I suppose, Mr. Chairman, we can try. I'm not, are we concerned we're going to tear the building down before we have the cost on the project, is that the concern I heard? Can we, I mean, can we go out and get bids all at the same time for demolition and construction? Would that satisfy you and not tear down the building? I think maybe and I may not have heard you right, you're concerned that we're going to tear down the building and then our price is going to come in at 1.8 million now we lost the building we can't build.

Councilwoman Mancuso – Right.

Mayor Cervenik – We're not going to do that. It's all going to be bid at one time. If the prices don't come in right, we're not going to go forward with the project.

Councilwoman Holzheimer Gail – I guess maybe then to clarify, why don't we, I mean, we could go out for bids for the demolition and to construct but not enter, but have it come back to us before entering into contracts.

Mayor Cervenik – I can actually live with that because that will allow us to use, I mean, we need the architect's input to do bid specifications and that. And we can't do that otherwise. I have no problem with that at all. And we'd come back to you anyhow before we do anything.

Councilwoman Holzheimer Gail – I'm not opposed to a committee meeting, but I don't want to push this if people aren't comfortable with it. If two weeks will buy getting some additional information then, I don't want to say go ahead and tear down the building and then the bids come in later. I think doing the bids at one time makes a lot of sense. Perhaps we could have someone come in and talk about the, with PLA, the labor agreement. Have Mr. Zofcin come back in and clear up some of the questions about can we renovate the space without doing the banquet facility? And maybe that came up through, he's been part of many different plans in that building ranging from both the senior and the golf to the golf only. So he should be able to answer some of the questions, I think, that are still out there and as well it gives the public another chance.

I've heard from a lot of golfers that like the new plan as well. So I think there's got to...

Mayor Cervenik – Councilwoman, as I said, that's fine. That's fine. It's just that I, it's just that if our goal is to have it running next year and that was our goal, we need to do this soon. If we wait 'til November, we're out of luck. So like I said put it into committee. Let me know in writing what you need. I've already told you that we will talk with Mr. Babbitt and Mr. Baucco about any clarification needed in our borrowing, in our debt agreement. We'll have Mr. Zofcin there. Any other questions that you need answered we will try and answer them. And Mr. Chairman, if you could check the calendar and set up as a meeting as soon as possible, would be appreciated so we know one way or another. That's fine. I have no problem with that.

Councilman Daly – I personally would be, you know, opposed to going into another committee meeting. In the four weeks since the meeting, I addressed the questions that were offered up at the meeting and I've not received any questions back. Some of the questions that've come up tonight, could have been addressed had we received them. Also, the four former Council members were all invited to the meeting and asked if they needed to submit any other information, they were asked to do so. None did. I did hear from Council members Miller and McTighe and both are in favor of the new plan so. The demolition was not going to occur until August anyway. The current Clubhouse is beyond its use. I think, you know, we have a clear idea what was going to be the original plan. I think we can move forward and get these bids if Council is ready. But if, that's how I'm going to vote is not to put in another committee meeting.

Councilman Delaney – We did see, you did make, you did raise some points. You did raise a lot of contradictory information. I'd like to see that information brought together. I think maybe we lost some things in the transition of the election, these are not people that are lying to us. We need, if we're going to spend millions of dollars, we need to take the process. This isn't a delay. I actually enjoy, these are nice problems to have. I enjoy a committee meeting on a golf course clubhouse. So I'll make that motion to put it into committee.

Council Minutes

April 19, 2004

Page 26

Councilman Delaney moved to place the legislation into the Recreation Committee; seconded by Councilwoman Holzheimer Gail.

Roll Call: Yeas: Delaney, Holzheimer Gail, Langman, Mancuso

Nays: Daly, Gruber, Hufnagle, Sustarsic, Sustarsic

Failed.

President Sustarsic – Okay, so we'll proceed.

Councilwoman Holzheimer Gail – I certainly understand if you don't want to send it to committee, but I'm not prepared to move forward with this. Even after saying that I think this idea wears merit so I just wanted to say that because I'll be voting no.

President Sustarsic – Any other comments?

Mayor Cervenik – Because of all the hard work that this committee has put into this and because I firmly believe that those that want it in committee are acting in good faith towards my Administration, I want to pull the piece of legislation tonight. And ask for Council to set up a committee meeting, a Executive Committee meeting. And please, give me your questions in writing so that I can have the proper people here to answer the questions. And let's get it done, okay? So the legislation, Mr. Chairman, unless the Law Director tells me otherwise has just been pulled by the Administration. And Mr. Daly, I cannot say enough for the work that you've done and I know this is probably something you wished I wasn't doing as well as some of the other members. But I want this project to succeed for the citizens of the City of Euclid. And if I'm going to have a dozen or so people blasting this project for the rest of its life because we rammed it through Council, that's not going to help matters any. And that's the only reason I'm doing this. I firmly believe that we've got a good project and it's great for the City of Euclid, but it can wait two more weeks. And that's fine. And we will answer all your questions and get you the information necessary. Okay? And again, Mr. Daly, I do appreciate your support on this project as well as everybody on the committee. Let's get on with the meeting, please.

President Sustarsic – Okay.

Councilwoman Hufnagle – I have a question, please. If the legislation is sponsored by both Mayor Cervenik and Councilman Daly, then does Councilman Daly have to agree to have it pulled also or can the Mayor do it on his own?

President Sustarsic – That would be the legal folks to answer.

Director Frey – It would be my opinion that the legislation could go forward under the sponsorship solely of Councilman Daly if he so desires.

Mayor Cervenik – But the Administration would request that that not happen, please.

Councilman Daly – I go along with pulling the legislation.

Ord. 67-2004 (101-04) Irish Summerfest Aug. 12-15,2004

An ordinance authorizing the Director of Parks and Recreation of the City of Euclid to enter into an agreement on behalf of the City of Euclid with Our Heritage, Our Home, Inc. to furnish and present the Irish Summerfest on August 12, 13, 14 and 15, 2004 at Memorial Park, and requesting the Mayor, as Ex-Officio Director of Public Safety, to issue a beer and liquor permit and permission for Instant Bingo Sales for the same purpose over the same period of time during said Festival.

(Sponsored by Councilman Daly by request of Acting Parks & Recreation Director)

Councilman Daly moved for passage; seconded by Councilman Delaney.

Councilman Delaney – It would behoove my Hibernian ancestry if I did not add my name to this legislation. I'd like the Clerk to do that, please.

Mayor Cervenik – Acting Director Will is attending to her mother who's in the hospital this evening. She couldn't be here, but this legislation will allow the Irish Festival, Our Heritage, Our Home, Inc. and the City of Euclid to partnership again as in last year in holding one of the better events, one of the great events held in northeastern Ohio at Memorial Park. They plan to do even

bigger and better things this year. They're going to have a few more local bands for the entertainment. I believe they're having a Euclid night on Thursday, the first night the fair's being conducted.

Kathy Will expressed her desire to have this at Memorial Park again. She felt that it has been going very well. That the cooperation she receives from the sponsors is extremely cooperative. She said they've had absolutely no problems with the management of this at all. And we know our residents thoroughly enjoy this festival also. And because of our financial conditions this really is the Euclid Festival for the summer of 2004. So they're going to spend some extra efforts in promoting it to get a larger audience there. So we ask for your support. I think most of you have been there in the past and we look forward to seeing everybody there in August. It's a great party. It's great fun and it's entertainment for the family. They really try and keep it to be family entertainment not with all the big rides but just with activities for the children and a little bit of Irish heritage besides, which a lot of people don't know, I'm half Irish. My mom's side was all Irish so. So we appreciate your support of this legislation.

President Sustarsic – Any other comments or questions?

Councilman Gruber – What fund will the \$5,000 advertising that the City portion will be coming out of?

Mayor Cervenik – That's in our Non-departmental Promotional Fund. That was put in, that was in there last year. This is nothing new. We did the same thing last year. We kept that amount in there in anticipation of Council's approval of this contract.

Councilman Gruber – Very good, thank you.

President Sustarsic – Any other questions, comments?

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. (103-04) Continuation of Waste Management

An ordinance authorizing the Director of Public Service of the City of Euclid to continue the current contract with Waste Management of Ohio, Inc., pursuant to Ord. No. 6-2002 for an additional two (2) years, until March 1, 2007. (Sponsored by Mayor Cervenik)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Gulich – Little over 3 years ago when Mayor Oyaski handed me these reins as Service Director my #1 charge I was given was to correct a problem at that time which was pretty big around the City. We had a hauler at that time that had the contract, was not delivering the services the City was customarily used to. They wanted Council at that time, you probably remember numerous complaints about garbage not getting picked up on time, stuff not going where it was supposed to, rude and offensive drivers, unsafe vehicles. I can go on and on all night we're going to be here long enough as it is. I proposed to fix that problem by getting a different hauler. We re-bid the contract. Took it to Council. Council approved the contract we're in now with Waste Management. We currently finished up the second year of a three-year contract. John Minear and Mitch DeFranco of Waste Management have been sitting here patiently for 2-1/2 hours simply just so I can recognize they're here tonight. They're by and large the reason why the garbage picks up, gets picked up in a responsible manner for the last 2 years.

I've put together about 16 pages of data of what people are, I'm sorry, what cities and communities are paying across Cuyahoga County. I'd like to get that in Council's hands. I would see this as one of our largest contracts we deal with, one of our most important. Something that all of our citizens see every week, recognize as something. We have a history of delivering in a good fashion, I intend on keeping that up as Service Director. This company has proven it's capable. As I said in budget meetings, I would be in negotiations with them and I brought back if you had a chance to look over what's been handed to you so far. Basically a 2% increase for a fourth year extension and a 2-year increase for a fifth year extension. There's a couple more details in there that I think Council should be made aware of. I would like to do that at a presentation in a special

committee meeting. I know you don't get to sit here too often and hear the Service Director say we need another meeting. But I think do to the importance of this and the fact that we need to demonstrate to you the necessity or the important I should say of continuing this service. And that the price that has been negotiated is, is in the best interest of the City.

Having said that the Mayor has also told you and we've heard from Council people tonight we need to start worrying about now what things are going to cost us next year and the following year. Again, this is a \$1.8 million contract. It's nothing to sneeze at. We'd be able to have these costs hammered out for 2005 and 2006. And if John and Mitch want to add anything I've forgotten or if Council has any questions tonight, one thing I'd ask this go into committee. And be heard as soon as possible and we can get all the facts out to the Council and to the community and, hopefully, work out an agreement.

President Sustarsic – Any comments for the gentlemen?

Waste Management Representative - Thanks for your direction, Hank. I would just like to thank the Mayor and the Council and people of Euclid for allowing us to be their vendor of choice for the past couple years and, hopefully, we can continue that relationship. Thank you.

President Sustarsic – Any other comments?

Councilman Gruber – I'd just like to thank Waste Management and Director Gulich. I, Mondays used to be the worst day of the week because that's our trash pickup day, but numerous, numerous, numerous complaints. Now with the new system, the drivers are courteous. They have a nice system. They're safe, their trucks are clean. It's really been a great improvement. I'd like to thank you, and publicly acknowledge the job they're doing. I think they do a wonderful job. Thank you.

Councilwoman Hufnagle – I would like to echo those comments. As a private citizen, I probably called Mr. Gulich's office many times complaining about the previous garbage collection. And these gentlemen that take care of it now, it's like they're part of our neighborhood. They're very courteous. They spend time speaking to the residents. They pick up the garbage. If they drop something, it's picked up. They don't throw the garbage cans. It's, I can't say it enough. It's a pleasure having them take care of the garbage. And I would like to compliment Mr. Gulich and the company. Thank you.

President Sustarsic – And as was mentioned Mr. Gulich would like to have this in committee.

Councilman Sustarsic moved to place legislation into the Public Service Committee; seconded by Councilman Gruber.

President Sustarsic – We'll meet with these gentlemen and get all the information that we receive from there.

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

Ord. 68-2004 (104-02) Street Lane Lining

An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into a contract for the labor and materials necessary for lane lining of various streets within the City of Euclid. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Mr. Gulich – We have a lot of miles of roads out there. You know a lot of them are county roads, our state roads, still our responsibility to see that we get all the center line and lane stripes on there, any additional markings. We still do a number of markings in-house. We do do the crosswalks; we do do the arrow signals. I think we're probably talking about 80 miles of lines that the contract calls for. Course we do go and assess the entire City. If the street has been done, the county or the state contracting doesn't need to be redone, we adjust accordingly. And if Council passes this, we'll go out and make stripes. We do have the line item, obviously, covering this in the existing operating budget, which we cannot exceed.

Councilman Langman – Law Director Frey, the, under Section 1, the last line as it reads, could you explain what the minor or technical irregularities that might occur? What are those?

Director Frey – If the, pardon me, turn on my microphone, Mr. Chairman, Mr. Langman, if there was any kind of a name defect, a minor variation in the price, those would be the kind of irregularities, minor irregularities that could be waived and handled at the Board of Control. Obviously, if there was a substantial difference in the price, that would not qualify as a minor or technical irregularity and it would have to come back to Council for approval.

Councilman Langman – Director Gulich, can you give some numbers to what a minor irregularity would be as opposed to a major one?

Director Gulich – Good question, since we haven't had one in the numerous years I can recollect here, yeah, I couldn't answer that question. It's tough to say, it hasn't occurred. So I guess I can't answer that question very well, can I?

Councilman Langman – I'll be in touch. Thank you.

President Sustarsic – Any other comments or questions?

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

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

Ord. 69-2004 (099-04) Sell Streets Dept Truck #409

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to sell Streets Department truck #409, which is no longer needed by the City of Euclid, to Ship Master Company, 6975 Bessemer Ave., Cleveland, OH 44127. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

Councilman Gruber moved for passage; seconded by Councilman Sustarsic.

Director Gulich – Way back when in 1983 we bought this International Harvester open road hauling type truck and four different pans that be switched out on the back. As I related to Council already, at that time we picked up the garbage ourselves. We had our own incinerator. We had our own transfer station. We did it all in-house. We had to haul away things. As you know now, none of that exists anymore. There is no transfer station active over there. There is no incinerator. There's no City of Euclid trucks or personnel coming around. Everything is handled soup to nuts by Waste Management. The only thing left is truck #409, which we've been utilizing to the best of our ability over the years to basically haul scrape metal that the City generates and other scrape materials. This truck is getting older. It's more to maintain every year. This past year it took over a thousand dollars because we have to keep these trucks safe. They have to pass the necessary inspection and nothing's getting cheaper when it comes to these larger trucks in vehicle maintenance.

We also happened to have a banner year due to the high price scrape metals are bringing, which brings us to a net loss on this truck of about \$200 and some odd change. Motor Maintenance Superintendent John Zigman tells me couple years down the road we're looking at a major overhaul on this truck. I don't want to be the owner of this truck when that major overhaul comes due. We considered putting this in one of our regular auctions, but I think Council is all too aware we just seek authority to auction off old police cars, other vehicles no longer needed by the City due to the nature of its problems, if it's been in an accident. We didn't feel this was an appropriate vehicle to put in the auction because of the specialty of its nature. What we did do was get a request for proposals from the vendors that do come to our auction, make this a specialty item for lack of a better explanation. We got a good price we think for this and I'd like to move ahead and get rid of this vehicle that we no longer need.

Councilman Delaney – Can you tell me what we're going to get for an '83 International Harvester?

Councilman Gruber - \$15,659.

Director Gulich – It's in there.

Council Minutes

April 19, 2004

Page 30

Mayor Cervenik – Section 2.

Councilman Delaney – Okay.

Director Gulich – 16,000 and

Director Frey – 15

Director Gulich – 15,659.

Councilman Delaney – Thank you very much.

Director Gulich – I believe it cost about 65,000 back in 1983.

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

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

Res. 70-2004 (108-04) Oppose HB278

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

Councilman Langman moved for passage; seconded by Councilwoman Mancuso.

Director Frey – This is a resolution modeled after a resolution recently adopted by NOACA opposing the removal from local governments of the ability to zone and manage the placement of oil and gas wells. If you recall, probably a month and a half ago, Council passed a similar resolution when this bill then, known as House Bill 278, was in the Ohio House still in committee. It reported out of committee, went to the Senate. The House approved the legislation that would cede control over oil and gas well to the Ohio Department of Natural Resources. This resolution, if approved tonight, would restate our opposition to loss of local government control over the placement of the wells in the City. And the Administration urges passage by members of Council.

President Sustarsic – Any comments or questions for Council?

Councilwoman Hufnagle 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.

Ord. 71-2004 (106-04) Purchase CAD/Police Dept

An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety or his designee, to purchase computer hardware from TAC Computer to facilitate the implementation of a computer aided dispatch (CAD), record management, jail, and car mobile system at a cost not to exceed \$32,000.00. (Sponsored by Councilman Gruber by request of the Police Chief)

Councilman Gruber moved for passage; seconded by Councilwoman Hufnagle.

Chief Maine – I really have Mr. Cooke come up and give this presentation because he said it so well. This piece of legislation and the one following it, companion piece of legislation, one cannot go forward without the other. But we had to split them up because one involved the purchase of hardware and one is the leasing of the software product.

The implementation of a computer-aided dispatch otherwise known as CAD an Record Management System, which I'll refer to as RMS, will make the Police Department a more effective and efficient operation, will reduce the chance for human error, reduce the amount of paperwork and reduce the amount of data entry from multiple sources. It will maximize the information available to police officers and dispatchers at the time of an incident and will increase the availability of officers once an in-car reporting system is implemented. The implementation will provide fast response to inquiries about neighborhood trends or specific address complaints. We'll

Council Minutes

April 19, 2004

Page 31

network our Dispatch Center, officers on the road, the Record Room, the Jail and the Detective Bureau into a response tool that's loaded with information.

We'll also provide a secondary regional information system in the form of OLEN, which is a function of TAC Computer, which is an acronym that stands for Ohio Law Enforcement Network, to complement our primary regional information system, CRIS. This system is one that no one else can provide, is available to us at a price that no one else has offered and it will be paid out of our Law Enforcement Trust Account whose existence is meant for exactly this type of project.

Essentially CAD and our RMS are functions of databases that are established, integrated, manipulated and networked into providing a information system that will really make everybody's job a lot easier and a lot safer and a lot more efficient. I'll be glad to answer any questions anybody has. That's it.

Councilwoman Mancuso – Chief, how long will it take before we can incorporate them in each of the vehicles? How kind of timeline are we looking at?

Chief Maine – That was one of the reasons that I made a maximum on the purchase of the software or the renting of the software because we have to make sure that our present, if we implement the mobile data system, we have to make sure that we're not going to be in violation of the contract with Alltel, which is our carrier. Assuming that there's not going to be any conflict there, I'm hoping that this can be up and running by the first of July.

Councilwoman Mancuso – In all vehicles?

Chief Maine – In just about all the cars, we have them in most cars now. We have mobile data terminals. To make this the most efficient operation we'd have to put terminals in every single car on the road. That's going to require, you know, a little bit more money. But it should be, it should be in almost every car that would be out there on a regular basis.

Councilwoman Mancuso – And any additional funds would come out of this same trust?

Chief Maine – Our Law Enforcement Trust account.

Councilwoman Mancuso – Our Alltel goes through to when, if they decide not to negotiate with us?

Chief Maine – I believe as long as we give them a 30-day or 60-day notice that we can get out of it. That's something that we're still checking on.

Councilwoman Mancuso – Okay, thank you.

President Sustarsic – Any other questions?

Councilwoman Hufnagle – Could you explain what the Law Enforcement Trust account is?

Chief Maine – That's a revenue account that is established by Federal and State law that allows the collection of forfeitures through the Court and seizures in criminal cases. They're generally drug cases either monies or cars or properties that are forfeited by the Court as a result of a conviction. Those monies are then divided among the law enforcement agencies that were involved in the investigation. And that money can only be used for capital, either programs or equipment that cannot be provided in any other way through City revenues.

Councilwoman Hufnagle – Thank you.

President Sustarsic – Any other comments or questions?

Councilwoman Hufnagle 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.

Ord. 72-2004 (107-04) Maint. Agreement for CAD

An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety, or his designee, to enter into a one-year, renewable maintenance agreement with TAC Computer for the provision of a Computer Aided Dispatch Record Management system and Mobil Data Terminal services for an amount not to exceed \$27,000.00. (Sponsored by Councilman Gruber by request of the Police Chief)

Councilman Gruber moved for passage; seconded by Councilwoman Mancuso.

Chief Maine – Same comments, Mr. Chairman.

Councilman Gruber moved to close debate; seconded by Councilwoman Hufnagle. 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, Sustarsic
Passed.

Res. (73-2004 (102-04) Tax Incentive Review

A resolution accepting the findings of the City of Euclid Tax Incentive Review Committee's review of, and recommendations for the City's Enterprise Zone Agreements for the fiscal year ending 2003. (Sponsored by Mayor Cervenik)

Councilwoman Hufnagle moved for passage; seconded by Councilman Gruber.

Acting Director Gliha – The City of Euclid has had an industrial tax abatement enterprise zone since 1986. During that period approximately 33 tax abatement agreements have been entered into covering that past 18 years. By State law the City is required to establish a Tax Incentive Review Committee. The Committee consists of the following members: a chair, who is the representative of the Cuyahoga County Auditor; a vice-chair, which is elected by the members. The members consist of two appointees with the consent of the County Commissioners. Two members appointed by the local government. One member appointed by the Board of Education and the chief elected officer and/or his designee. There is also several non-voting members including the Enterprise Zone Manager, which is myself and I also serve as staff to the Committee. Representatives of the County Development Department, the Superintendent of schools and the Treasurer of schools.

Each year the Enterprise Zone Manger's required to gather performance data from each company granted a tax abatement. In this case we had 11 active tax abatement agreements in the year 2003. A report covering actual investment vs. proposed investment as well as job creation, retention is compiled and presented to the Tax Incentive Review Committee for their review. In reviewing results the Committee must take into consideration any economic fluctuations in business cycles and the general effect of the economy and its conditions.

In the past the Committee acted through the Enterprise Zone Manager and was required to notify City Council, the Commissioners and the State of Ohio of the results of the Committee's meetings. Last year State law changed. There were several amendments to the Enterprise Zone Act. One of which was that the formal recommendations of the Committee should be and must be presented to the local City Council and that local city council governing board has the right to accept, reject or modify the recommendations of the Committee.

The Committee itself if in a given year finds that a certain business is not living up to its Enterprise Zone Agreement for reasons that are not in control of the company or if the economy has not affected the company's ability to live up to the terms of the agreement, the Committee can recommend to City Council that the agreement be modified and/or terminated. From there City Council can recommend to the County Commissioners their results and the County Commissioners will then recommend to the State whatever the results were.

This has only happened twice in the 18 years that the Enterprise Zone has been in existence and they were two startup firms that did not and could not reach the lofty goals they had set for themselves. This year the Tax Incentive Review Committee met on March 24th and reviewed the performance of the 11 remaining tax abatement agreements. The Committee formally recommended that after review the outstanding Enterprise Zone agreements and their performances as reported were all found to be in compliance with the terms of their agreements for the year 2003.

This resolution being presented to you in accordance with State law acknowledges that City Council accepts the findings, rejects the findings or would want to modify the recommendations of the Committee. As Enterprise Zone Manager, I would recommend that the Committee's recommendations be followed. I'd be glad to answer any questions if Council has any.

Councilman Langman – Mr. Gliha, the Lanly Company, their agreement expired. Does that mean that their term was up or did they fall out of compliance?

Acting Director Gliha – Their, the 10-year term of the agreement was up, Councilman.

Councilman Langman – Thank you.

President Sustarsic – Any other comments? Any other questions? I'd like to take this opportunity to thank those that participated in the Committee and the findings. I think it bodes well of, for the City of Euclid that we are involved in such a venture and that things will continue as such.

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

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

Ord. 74-2004 (105-04) Amend Code 571 Gen. Offense

An emergency ordinance amending Section 571.02(a) of the General Offenses Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Gruber by request of the Police Chief)

Councilman Gruber moved for passage; seconded by Councilman Langman.

Director Frey – As you're all well aware, Chief Maine mentioned at the last Council meeting the State has enacted effective April 8th a new Conceal Carry Law, our Codified Ordinance 571.02 as you can note in the legislation did not accept into its definition of an offense the licensing that's now permitted in 2923.12 of the Revised Code. So the proposed amendment to our Concealed Weapons ordinance would make all of the exceptions, all of the permitting that is available under the Ohio Revised Code. Folded into by reference into our Conceal Carry Offense would allow for violations of that law to be charged under the City ordinance, which, of course then, puts the revenue into the City as opposed to charging it as a State offense. So with that I recommend passage.

President Sustarsic – Any comments or questions? Seeing none.

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

Councilwoman Mancuso 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. 75-2004 (093-04) Amend Code 307.01 Traffic

An emergency ordinance amending Section 307.01 (d) of the Traffic Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Gruber by request of the Police Chief)

Councilman Delaney moved for passage; seconded by Councilwoman Hufnagle.

Director Frey – There are now, following the next 5 pieces of legislation items 16 through 20, that comments will apply really to all of these.

In 2003 the City accepted revisions to the Codified Ordinances. There were some revisions made, unintended revisions made through the publishing process. What occurs is the publisher that

the City has used because most municipalities just draft their codified ordinances from the Ohio Revised Code. They make whatever changes to our ordinances that had been made during that period to the Revised Code. So if the Revised Code was modified, they automatically modified our ordinances. We accepted those ordinances in 2003. There are several, the following 5, that we've identified that did things that we didn't want done. And so this is an attempt to correct those ordinances.

So the first one revising Section 307.01 Penalties for Misdemeanors, we had an effort to increase the level of fines to \$150 from the hundred-dollar limit that's in the State Code. That was reverted back to the \$100 through the editing process. We want to, again, restate that for our minor misdemeanors the Municipal Court Judge can fine up to \$150. We have, however, added a provision that would allow the Court to impose a term of community service of up to 30 hours for a minor misdemeanor offense. As you're all well aware and I know we had that discussion in the budget process, the Court may not fine where an individual has no ability to pay the fine. And so community service gives the Court an alternative to a fine where a fine is in that particular case in appropriate. Recommend the passage then by Council on this piece of legislation.

President Sustarsic – Any comments or questions by Council on that?

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

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

Ord. 76-2004 (094-04) Amend Section 569.07 Watercraft

An emergency ordinance amending Section 569.07 of the Watercraft Chapter of the General Offenses Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Gruber by request of Police Chief)

Councilman Gruber moved for passage; seconded by Councilman Langman.

Director Frey – Just in time for the summer boating season if you want to consume alcohol while you're on, operating a watercraft in the boundary waters of the City of Euclid and you're stopped and you have a blood alcohol level that exceeds .8 or 8/100ths of 1% or 11/100ths of 1 gram by weight of urine or 8/100ths of 1 gram by 210 liters of breath, you would be driving under the influence and subject to a misdemeanor of the first degree offense under the Codified Ordinance as proposed here.

This is again an attempt to correct what happened in the revising of our ordinances in 2003. This is consistent. These levels are the same levels as driving a motor vehicle under the influence. They make sense. It's uniform enforcement. I suppose from an educational point of view, you know, that if you consume X amount of alcohol you're going to be under the influence whether you're driving a car or driving a boat, both of which can lead to deadly results.

President Sustarsic – Any comments? Any questions?

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

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

Ord. 77-2004 (095-04) Amend Code 545 Peace Disturb.

An emergency ordinance amending Section 545.04(e)(1) and (2) of the Peace Disturbances Chapter of the General Offenses Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Gruber by request of the Police Chief)

Councilman Delaney moved for passage; seconded by Councilwoman Hufnagle.

Director Frey – This Section 545.04 titled, Disorderly Conduct, under the State Code is a minor misdemeanor. We had made an effort to make, to elevate the penalties to a misdemeanor of the fourth degree and with what I would call aggravated disorderly conduct or persistent conduct a

Council Minutes

April 19, 2004

Page 35

misdemeanor of the third degree. Those also were changed, unintended change. We're attempting to make those, restate those as fourth degree misdemeanors or third degree if there's persistence. And really what that does is gives the Court additional options in dealing with people that either are obnoxious and annoyance to their neighbors or disregard the lawful order of police to disperse or desist in their behavior.

President Sustarsic – Any comments or questions?

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

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

Ord. 78-2004 (097-04) Amend Entire Section 513.03

An emergency ordinance amending Section 513.03, in its entirety, of the General Offenses Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Gruber by request of the Police Chief)

Councilman Gruber moved for passage; seconded by Councilman Sustarsic.

Director Frey – Possession of marijuana would require you to have almost a truckload it seems to me to make it a serious offense. Under the State Code possession of marijuana, I believe, it's less than 200 grams is a misdemeanor not an arrestable offense but subject only to ticket and fine. Under the Codified Ordinances of the City of Euclid, Council had made that a misdemeanor of the first degree, which of course, includes both jail and significantly higher fines for those offenses. This ordinance would reinstate the possession offense to a misdemeanor of the first degree.

President Sustarsic – Any comments or questions?

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

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

Ord. 79-2004 (098-04) Amend Entire Section 537.17

An emergency ordinance amending Section 537.17, in its entirety, of the General Offenses Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Gruber by request of Police Chief)

Councilman Daly moved for passage; seconded by Councilwoman Hufnagle.

Director Frey – This may be the most bizarre of all of these corrective pieces we had. The State enacted in the Revised Code a section that was just definitions. Did not state an offense at all, however, that Code Section in our ordinances were linked and so what we ended up having is an ordinance gave us nothing but definitions and not an offense. Obviously, we don't want to be left without a misdemeanor of the first degree provision that prohibits domestic violence. And again, while we can and do charge, if necessary, under State Code this allows us to capture the revenue from the fines under the municipal ordinances. So all that this ordinance has done is to reenact our misdemeanor of the first degree domestic violence offense.

President Sustarsic – Any questions? Any comments?

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. 80-2004 (112-04) Board of Elections – Hillandale

An emergency ordinance directing the Cuyahoga County Board of Elections to submit the question “Shall an ordinance providing for an amendment of the City Planning and Zoning Code and Zone map allowing for the development of 22.9928 acres, said property known as Parcel A of P.p. #648-52-001, as UR-2, Church use, be approved?” to the electors of the City at the General Election to be held on November 2, 2004. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage; seconded by Councilman Delaney.

Director Frey – I will acknowledge receipt of Mr. Corbran’s printout from the Revised Code and, you know, indicates in there that the final approval for ballot language rests with the Secretary of State or the Board of Elections; and I concur that it does. I’m asking Council tonight, we, obviously, were aware that the Board of Elections certified the results of the referendum petition of these two items that there were sufficient valid signatures to place the matters on the ballot. I have proposed under Section 2 of this ordinance the language that I’m recommending to the Board to you, Council, to recommend to the Board of Elections that appear on the ballot. As stated the Board process will be to send this as they’ve informed me, to send this to the Secretary of State for approval and then it will come back to the Board. If there are any corrections that are needed, any discussion that’s needed, this ordinance would authorize me to act on behalf of the City to make those corrections with the Board of Elections.

You should note that an affirmative vote or a yes vote on the ordinance would be to affirm the decision of Council. And that pattern is consistent with what I reviewed in other zoning referendum issues from other communities. Be glad to answer questions.

Councilwoman Mancuso – Again clarification, if Council passed this to begin with and we did, why do I have to go back and approve this language? I would think that would be a conflict of interest for me as a Councilman.

Director Frey – There is a difference between the zoning change that Council approved and the placing of ballot language.

Councilwoman Mancuso – Why am I doing that?

Director Frey – Because you, pardon me, you are stating for purposes of the Board this is the ballot issue that shall appear on the General Election ballot.

Councilwoman Mancuso – That’s Council’s role?

Director Frey – It is one of the roles that Council plays in putting a piece of, a ballot issue on a General or Primary or Special Election, yes.

Councilwoman Mancuso – So every Special Election you will come to this Council to ask us for language for whatever goes on that ballot?

Director Frey – If there was an issue that was being placed, yes. If there was an issue that would allow the City to engage in some activity. If we were to change the Charter provision, for instance, that would require or that provides for a 100% credit for individuals who work outside of the City of Euclid on their income tax. City Charter has a 100% credit provision. If that provision was to be changed, that would have to be voted on by the Electorate of the City. You would pass the ballot language as it would appear then on the ballot for whatever election that was going to go on.

Councilwoman Mancuso – Okay, I guess my concern is that we’ve already voted on this issue and passed it. It’s almost like we should not be part of this process. I mean, that’s my feelings. We should not, we voted on this. We’re done. This is now up to the residents, as far as I’m concerned, and the Board of Elections to come up with language. Maybe you as our sponsor for the City, but not necessary Council voting on the language of something that’s already been voted on by this Council.

Director Frey – I’m not sure I know what else to tell you, Ms. Mancuso, other than...

Councilwoman Mancuso – Do you understand my concern?

Council Minutes

April 19, 2004

Page 37

Director Frey – Yes, I do, you know, the action is the action of the City. The City through its Charter provides for the referendum process. So the City has engaged in that referendum process, has stayed the action that Council took in making the zoning change and now this is the next step in that process is to put that issue on the ballot so that all eligible voters in the City can make that decision on November 2nd. It's got to get on the ballot. That's the point of the referendum. Someone has to approve the or send the ballot language and that's the role of Council.

Councilwoman Mancuso – Thank you.

President Sustarsic – Any other comments or questions?

Councilwoman Hufnagle – So this is the language that will be on the ballot?

Director Frey – That is what I am proposing. If you pass this ordinance, this is what I will send to the Board of Elections, who will forward it on the Secretary of State. If there is some dispute with this language, if there's a sense that I didn't either describe it properly or I've stated it in the wrong form, either there will be an objection filed with the Board to that or Secretary of State or Board will say, we don't like something about the way you drafted this ballot language. But yes, the next step is, if passed, is for this to go to the Board of Elections.

Councilwoman Hufnagle – And have, have we heard either the Administration or any of my colleagues, have we heard from any of the Political Action Committee that put the referendum together and put the petitions together, have we heard that they are any way displeased with this language?

Director Frey – I've not heard other than the comments I heard tonight from Mr. Corbran about whether or not we had to do anything at all.

Councilwoman Hufnagle – Okay. So that we've not heard, so this language, as far as we know this language is acceptable to the citizens?

Director Frey – As far as I know it's as vanilla as I can make it. It's, it describes the parcel. It tells you what you have to do to vote to approve the zoning change or reject the zoning change.

Councilwoman Hufnagle – Okay, thank you.

President Sustarsic – Any other questions, comments?

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

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

Abstain: Mancuso

Passed.

Ord. 81-2004 (113-04) Board of Elections – Hillandale

An emergency ordinance directing the Cuyahoga County Board of Elections to submit the question "Shall an ordinance providing for an amendment of the City Planning and Zoning Code and Zone Map allowing for the development of 45.0953 acres, said property known as Parcel B of P.P. #648-52-001, as U-1, Single Family Homes District use, be approved?" to the electors of the City at the General Election to be held on November 2, 2004. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage; seconded by Councilwoman Hufnagle.

President Sustarsic – Mr. Frey, would you be making the same comments?

Director Frey – I have no additional comments.

President Sustarsic – Okay, do we have any additional comments or questions?

Councilman Daly – In case the group that did bring the petition drive, if they do object to this language, they can petition the Board for a change, correct?

Director Frey – I believe they have the right to go to the Board of Elections to object to the language.

Councilman Daly – Okay, so all we're doing is we believe this is clearly and accurately and fairly stating the question for the voters?

Director Frey – I believe so, yes, and am recommending that language go.

Councilman Daly – Thank you. That's all.

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

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

Abstain: Mancuso

Passed.

CEREMONIAL RESOLUTION

Res. 63-2004 (100-04) Motorcycle Awareness Month

A resolution recognizing May 2004 as Motorcycle Awareness Month in the City of Euclid. (Sponsored by Mayor Cervenik and the entire Council)

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 Gruber moved to go into the Committee of the Whole; seconded by Councilwoman Holzheimer Gail.

President Sustarsic – This will be the public portion to address anything else for the good of the City. And again, I'd like to remind you and I've been told I tend to lecture a little bit but it's a matter of people understanding the rules and listening to the rules by abiding by them. So based upon that you can proceed up to the podium my left, your right. Give your name and address.

Ms. Jan Gajda – 421 E. 257 St. I'm talking about Euclid Pet Pals. First, I would like to thank all of our volunteers we've had so far coming in every day doing anything that needs to be done. And the volunteers that are helping me with fundraisers, collecting door prizes, just doing things around the community for us. And I would also like to remind everyone of the events coming up for Euclid Pet Pals.

The month of May is Be Kind to Animals Month. We'll be starting out on May 1st and 2nd with our Adopt-athon Carnival. It'll be held at the Animal Shelter at 25100 Lakeland Boulevard. There'll be games, prizes, face painting, crafts, foods, special guests, raffles and fun for all. And of course, we'll be showcasing the adoptable animals we have at that time.

During the month of May volunteers will also be going door-to-door to collect money to benefit the Animal Shelter during Help Save Fay's Strays sponsored by former Councilwoman Fay Miller. Any contribution large or small would help and will be greatly appreciated. If you can participate in this walk, you can contact Fay Miller at 261-2620.

Any finally, just in time for rib-burn-off season on Friday, May 14th is our Bark-BQ at The Manor on Rockwell Drive in Euclid. Dinner will be ribs, baked beans, potato salad, cole slaw, rolls, dessert, beverages. We'll have a 50/50 raffle, Chinese Auction, door prizes and music and dancing until midnight. Tickets are \$30 and are available at the Animal Shelter, through volunteers and there's a ticket order form that can be downloaded from our website, which is www.euclidpetpals.org. There's also a lot of other information on our website and I hope to be adding to it soon. I'm working on some things that are going to be going up there.

And I would also like to take this opportunity to invite all the members of City Council and the Administration here tonight including Mayor Cervenik to come to the Adopt-athon and the other events and show the citizens of Euclid and surrounding communities that we have your support. Thank you.

Mr. Tod Guntner – 390 E. 257. I would like to echo Jan's thank you's to all of our volunteers that tirelessly help us out on a daily and weekly basis. I'd also like to thank Chief Maine and Captain Repicky, who isn't here. They put upon us an opportunity that we had no idea what we were getting in to, but we just want to let everybody know that we thank them for this. This is a labor of love. We enjoy what we're doing. We are learning. It's been a fantastic ride so far and we plan on continuing that ride.

Okay, now, four kittens were born at the Shelter Sunday. One gray, one black, one white and one orange, mama was calico, which is very strange. Now these four kittens will be available for adoption immediately, however, they cannot go home until June 12th. They must stay with their mother for 8 weeks.

We have four tabby female kittens that came in on Saturday that were surrendered to us. They are available for adoption now but cannot go home until the Adopt-athon on May 1st. That is their 8 weeks.

We also have five other kittens. Three of them have been adopted, two of them are still waiting for homes. That's a total of 13 kittens we have right now and we have six adult cats, three of which have to wait until their time because they're still with their young.

On a sad note, someone lost a Cockapoo in the neighborhood of 254 and Euclid Avenue. This was Friday afternoon, 4/16. If you're that person that lost a Cockapoo or you know of this person that lost this animal, please contact the Animal Shelter. We have and are caring for your dog at this time. Phone hours are from 9 to 4 Tuesday through Saturday.

Now we are open for business for adoptions Tuesday and Wednesday from 12 to 4. Thursday, Friday, Saturday from 11 to 3; also, Thursday evening we are open from 6 to 8.

Now for those of you out there if you ever lose your dog or your cat for whatever reason, one of the first things you need to do is to call the Animal Shelter. That number is 216-289-2057. The phone hours are 9 to 4 Tuesday through Friday. Off hours you will get an answering machine. Please leave a message. Someone will be picking up messages. If you find a dog, if you pick up a stray dog, please call us or bring that animal to the Animal Shelter. If there's a tag, we have ways of getting a hold of the owner so that they can reclaim their pet. Because one of the far worst things in the world is for someone to lose their pet, so with everybody's cooperation, hopefully, we can get a lot more pets back to their owners and not have to worry about trying to adopt them to another family. Thank you.

Mr. Dave Griesmer – 341 E. 216. I have a question and some comments about, there's an article on April 8th in the Euclid Sun Journal and the Mayor was quoted as we have also got to keep our streets cleaner. It's been mandated by the EPA. We don't have a choice. The problem is when such things are mandated they don't tell us how we should pay for them. Then the article goes on to say to help pay for street cleaning Mayor Cervenik said he would ask Council to consider tacking on another \$1-2 to a potential monthly garbage collection fee allowing the City to purchase and operate a second street cleaner and a crew.

Mr. Mayor, could I ask you when and where and what format has the City been mandated this, this requirement?

Mayor Cervenik – I believe my Service Director could answer that sooner, better; but it's the storm water management. We've got to keep our streets cleaner because dirt goes into the storm water, which goes out into the lake untreated. If you read, there was an article not too long ago where some of the Lake County nurseries, Lake County's instituted a fee on the real estate tax bill that's based upon average non-permeable areas of a property. And that's so that they can manage their storm water. A lot of the nurserymen felt that they were being charged too much. But that's how their dealing with it. We do need to deal with it. That was just one of the ideas I was talking about. We talked about the other night with Council with the budget. We're going to come up with a number of proposals and see which ones are most advantageous to our situation. But we need to deal with our lack of funds at this time, Mr. Griesmer, and that's what I intend to do.

Mr. Griesmer – Okay, thank you, sir.

Mayor Cervenik – You're welcome.

Mr. Griesmer – Thursday afternoon I stopped in and talked to the Service Director and I reviewed the 2003 storm water management plan and I found in there and I checked with the Service Director that it says that there is no mandate that we need to do more of it. We need to maintain what we're doing now, which he approximates that the street's done at least 3 times a year. So maybe the Service Director could clarify a little bit more, but I don't think the residents of Euclid are willing to

accept any more fees. And if there is a mandate, I request and I wrote a request to the Service Director to show me where it is. And I'll call again tomorrow or if the Service Director could clear that up, I'd appreciate it. Any comment, sir?

Director Gulich – Mr. Griesmer, tomorrow would be a good time to stop in, give me a call, like I said those are public documents. You're welcome to review them as much as you want. If I could just add one comment, though, for everybody out there, storm water management isn't something that we just started this last year. We've been doing a good job of it, historically, through the City. We have been sweeping streets; we have been cleaning the catch basins. We have been monitoring the out fall and this is a large part of what was mandated by the EPA. So we didn't just starting doing it because the EPA mandated, we have been doing it. We just have to turn in these figures to them. They do review it. If they don't like the way we're doing it, we're subject to fines and as I told you, I'm Service Director I'm looking out for you guys over there, out there and I'm going to make sure that doesn't happen.

Mr. Griesmer – And when I talked to you on Thursday, you stated there was no increased mandate to do the street cleaning, any more than we're already doing, sir. Thank you and have a good night.

Mr. Ron Emser – 26501 Farringdon Ave. Greetings and salutations. I came to inform all of the upcoming Sunset Celebrations scheduled for Sims Park this summer. We anticipate the initial Sunset being held on June 6th. The Standbys featuring Euclid's own Carl Cickavage in his newest project will be providing the musical entertainment. Carl has risen to the occasion time after time. Thanks again, Carl. And local artists will be displaying their crafts. While we anticipate the powers to be that that be will indeed find the funding for Euclid fireworks, if that doesn't come to pass, we'll have another on July 4th. If indeed there are fireworks, we'll try for another Sunday in July when the pavilion is available. August 1st and September 5th are the subsequent Sunset Celebration dates with rain dates on the second or third Sunday of the month, depending on pavilion availability.

This year a very generous Erie Waters Bar and Grille has offered dinner at no cost to any and all of the musical groups that perform at the Sunset Celebration, as it is a volunteer effort for all the musicians. Please support this local Euclid business. Remember they can't support you if you don't support them. Thanks again, Ron, and congratulations on your second year at Erie Waters. Additional musicians are needed for the follow up dates as soon as we are communicated the July 4th plans.

On May 16th the Lake-Shore Group has secured a special discounted pass to the Lake Erie Wine Society's Spring Wine Tasting at Chalet Debonne in Geneva, 17 wineries are to be included. For tickets visit the website or call.

Arcadia Beach Club has expressed an interest in hosting the Mosspoint Winefest. Meetings are still going on relative to this event. But many of you recall it would be a fall tasting here in Euclid.

For those interested in working with the Lake-Shore Group, you can get updated info at www.lakeshoregroup.org or call 216-731-5213. We meet at Erie Waters on alternate Wednesdays. Next meeting is April 28th.

Communications is an area, which could you use improvement. I'd like to offer this definition to all who volunteer. To perform or offer a service of one's own free will. To do charitable work or helpful work without pay. Unpaid worker. There are many outstanding groups in Euclid, which time after time contribute of their time freely and of course without pay. Because it is without pay doesn't mean that their time should be in anyway devalued or taken for granted. In many communities volunteers are considered assets. Having said that I have something else to add. Many folks sitting here are paid to do their jobs while by definition volunteers are not. I'm suggesting that a little more care be taken to communicate with the volunteers that are still willing to work with the Administration. You need us all. I will not go into specifics here but there's been several instances where there has been little or no communications to many of us. This makes our efforts all the more time-consuming and difficult. I truly don't think this is the message you choose to convey, but I assure you it's not going unnoticed. Those involved know who they are. As former Mayor Oyaski had once stated to one of his directors, you don't have to like them you just have to work with them.

As I change hats here, I've been asked to help produce an ECTV program with Jessica Wrenn. There's a number of questions that have gone unaddressed relative to the monthly program EVOT or Euclid Voters of Tomorrow. We are all curious as to when the Cable Commission meets so that the necessary inquiry can be answered. Thanks much for listening and here's hoping for a better tomorrow in Euclid. Thank you.

Mr. John Conway – 291 E. 276th To make it clear because we were here tonight we are not concerned about the way the language currently exists to be placed on the ballot. We absolutely share the same concerns that Councilwoman Mancuso brought up about the procedure. And our main concern was that it could actually open up some exposure as this process continues to go. But the questions were raised by a couple Councilmen, members whether or not the group was comfortable with the language as it appears today and if the Board of Elections certifies it, I would just like to let everybody know that we are also comfortable. It's quite simple at this point. If you approve of the rezoning that Council approved, you vote yes. If you disagree with it, you vote no. At this point it's quite simple as it currently exists in the ballot form language today.

Mr. Council President, I agree with you, absolutely, that there needs to be a standard of excellence and a high level of professionalism inside of these Chambers. As you said, this is truly a business and that is how I try to handle myself every time I come to this podium to speak. But as we all know, a fundamental key to success in the business world is to never make it personal. So what I'm about to say tonight it's not personal it's business.

In your opinion, do you consider sarcasm as juvenile?

President Sustarsic – I can speak to you after the meeting if you want to have a pretty lengthy discussion on it, but for whatever it's worth right now it depends on the substance. It depends on the subject wherever a person is going with it.

Mr. Conway – Okay, but generally speaking, sarcasm as a form of communication would not be considered either juvenile, and we can discuss it, I'll talk to you as much as you want. But my general feeling is and I think at the end of the day you would agree, that more times than not sarcasm could be considered juvenile.

President Sustarsic – Well, right, but at the same time we can agree to disagree.

Mr. Conway – That's fine. From my point of view sarcasm being juvenile and what I'd like to ask and request from you is if you want to hold the citizens accountable for the decorum that you require inside this Chamber, I think and I would appreciate it, if you would ensure that those same rules apply to everybody equally. This includes not only the citizens but members of Council and the Administration.

Right now, I think that it's been painfully clear here tonight that you can try to control our time, our freedom of expression and our opportunity to be heard and as Council President you can make that decision. But the one thing you can never take away from us is probably our greatest form of expression and that's our right to vote. And I just would like to make sure that if you're going to hold the same rules make them equally and that will make everybody's, I think, opportunity to speak much more productive. I think when it becomes confrontational at times when it's not equally applied and if it's the outburst, if it's the note passing, you can look at this side of the wall as well and the same things go on. I'll agree with you that outbursts are probably inappropriate but the expression of clapping, I don't know, Mayor Cervenik tried or did pull a piece of resolution tonight and the crowd applauded for it. And I think it goes both ways sometime for whoever is expressing themselves up here. So the rules are great, just I'm asking you that you apply those same rules to every member that's inside of these Chambers. That's all. Thank you.

Ms. Lisa Kinkoff Wrenn – 925 E. 248th St. Mr. Sustarsic, regarding your treatment of the general public, I fail to see a balance of approach. There is no crime in the general public expressing their views. The City should feel fortunate and blessed that they have concerned citizens that do take the time to come to this podium to speak. In your position as Council President within these Chambers you have power. But beyond those doors is where your power stops. Because out there is the general public and it is them you will have to answer to. I need not remind you, Mr. Sustarsic that the month of June is not that far off, you could very well find yourself in a position of judgment as you have judged us.

I'm not a politician that's no secret, but I do know that a seasoned politician would never refer to his own constituents as ignorant. Your comments against this group of caring, concerned citizens were both unfair and unnecessary and I will leave comments at that. Thank you.

Mr. William Hilf – 891 E. 237th St. Here again to represent ShoreUp asking that any citizens interested in Shore Cultural Centre either to circulate or sign petitions to get involved on coming up with more of a plan for the building or to think about coming up with a volunteer group to possibly do some repairs to the building to please give me a call at 216-731-5793 or to e-mail me at shorereport@yahoo.com.

Following that statement I would like to make a recommendation to the Council and to the Administration. Based on the last couple of times that I've spoken here and given out my information, I have received calls and e-mails from Euclid citizens that I've never even spoken to before. Some that I have, some that have not even been on the same side of the issue on, but they decided they needed to call me about this and other ones who just happened to watch the meetings. And I would make this suggestion that possibly some time during the meeting or directly after a Council meeting that possibly Council's phone numbers and/or e-mail addresses be put up on Channel 23 so that people have the opportunity to contact their public officials. Because I did have several of the people who contacted me ask me how to get in contact with the City and I had to look for that information because it's not something I have, you know, right next to my phone.

Now to the part of the issue that a couple of previous speakers have kind of stolen a little bit of my thunder but I'm going to add my two cents to it. Because it's bothered me for the last couple of meetings and I've had other issues to talk about and that would be the rules, laws, regulations, etc. regarding the conduct of people at this podium. And I have to agree with several of the points with Mr. Conway about how I think a dialogue is good but I think the standard has to be held to everyone. That includes people who you disagree with, people that you may agree with and to everyone that's sitting on the other side of this railing. Because this City is at a very desperate state, a city that has to borrow \$2 million plus to make its budget is a city that doesn't have time for wasted effort. A city that doesn't have time for games and shenanigans, especially from its elected officials.

I've seen some of that over the last couple of weeks with Council members who have made comments about private citizens not attending meetings. How they weren't there that week. Council members, I don't know if they thought it was funny or not, but who made references to properties, knowing full well that it involved one of their former colleagues. It didn't seem to me to be a real point that needed to be brought up at the end of the meeting. It seemed to be just more for personal amusement for those that were in the know and understood what the property was and who it referred to. If this juncture in this city, when we're having to borrow that type of money, and we have so many issues facing us, we need to have the public officials, our elected council and administration putting forth all their energy towards improving the city, making it better, providing the superior services that we pride ourselves on. That's what we need. We don't need the petting games and in-fighting.

We had people who ran up here on both sides talking about a lot of peace, love and understanding and how people were going to work together. It hasn't been seen from all sides so far. We haven't seen an olive branch extended by anybody. Especially from those who I would say probably hold more position of power right now, with their majority in administration and council. I haven't seen any effort on anything to work with anybody. I say this to all of you. If right now your turn was up for whatever reason, this night, what would you say your legacy would be? I address that to all of you. Right now after being in office since December, what would you say your crowning achievement is? I would find that very interesting. It shows that I really don't feel that people working together and working to advance the city and it is something that needs to be done. Thank you.

Mr. Matt Sarver – 26550 Shoreview. I would like to discuss an incident that occurred here in Council Chambers on the evening of January 12, 2004. Shortly before the Executive Committee Meeting began, two fellow residents approached Councilman Gruber and asked a question regarding the Hillandale project, which was the subject of that evening's meeting. Instead of responding to the question at hand, Councilman Gruber began making statements to these individuals, that I, Matt Sarver, was behind on my taxes, and that I had building code violations on my property. In addition he stated that I was going to be sued for liable in connection with

President Sustarsic – Mr. Sarver, I'm going to have to call you out of order. Sorry, the reason being, again, we're talking about rules, we're talking about conciliatory, we're talking about olive branches. At this particular point in time to, as someone said, adhere to the rules of council. One of the rules of council, its been said time and again, is not to step up to the podium to demean any member of this Council or this administration. Similarly anyone we don't demean anyone in the audience. So I would appreciate it if you could point your comments towards elsewhere. That will not be permitted, okay?

Mr. Sarver – Mr. Chairman, I understand what you're getting at and I appreciate that, but I feel that I was demeaned by a member of Council. I feel that I was personally attacked. My character was personally attacked on the evening of January 12th.

Council Minutes

April 19, 2004

Page 43

President Sustarsic – I wasn't there. I can't testify to what happened, what did not happen. But at the same time, for the audience, for the public to continue a confrontational speaking at the podium, I really don't believe that it serves any justice. I would appreciate it if we could take a pledge, we could all take a pledge this evening to start playing by the rules.

Mr. Sarver – I have nothing more to say then.

President Sustarsic – Thank you.

Mrs. Rebecca Conway – 291 E. 276 St. Talking about playing by the rules, you quoted the Charter a few weeks ago. Committee of the Whole, 121.18, a few sentences down. All questions shall be answered immediately after they have been asked and the person speaking has completed his or her remarks. Thank you Mr. Mayor for answering my questions, but that's what the Charter says. For me, personally, if we're going to follow the Charter, when I come up and ask questions, I'd like them answered as per the Charter says.

I'm going to ditto what my husband said about respect, decorum, clapping and all that. But I'd like to add a few more things. Mr. Sustarsic, the reason we clap is because we deserve to be heard. No one heard us when we submitted 600 signatures on a petition that we did not want Hillandale rezoned. What did we do? We went out and worked really hard with 100 plus people, taxpaying residents, got 3-4 times the amount of signatures we need, and now the people are going to decide on November 2nd. We clap in support of, and no, this is not a game show, and I don't like you comparing our city business to family feud. Also when watching C-span, the Senate and the Congress, which I watch daily with Fox News, they do clap there. They are allowed to clap and they do clap. So, you were wrong on that.

In fact I recall many instances when certain Council people, as my husband said, were unprofessional, rude and not courteous. Let's pay fair everywhere. As far as Matt Sarver, Mr. Gruber, I will not name the other person if she doesn't want to be named, but he approached me, when I approached him on the Executive Committee Meeting for Hillandale. Asking him a question about keeping the meeting in Committee. He continued to go on personally about Mr. Sarver's back taxes and other personal items. I looked at Mr. Gruber and said, this is none of my business. I'm not here to discuss this. I want to talk about Hillandale with you. He continued talking about Matt Sarver and his personal business. That is not okay. That is not okay. He gave me information, which isn't even accurate on a resident that I wasn't talking to him about. I don't know if he keeps lists on people and Matt happened to be on one of those lists because we had helped Matt pass out a letter in Hillandale because we agreed with the letter. I don't know why Mr. Gruber has information on a resident, back taxes, violations on his home, and other information. I don't know what that's relevant, when I approached him talking about the Hillandale issue.

Mrs. Susan McGinn – 141 Sunnyclyff Dr. I'll reiterate what Mrs. Conway said because I was the second individual that approached Mr. Gruber. Rebecca did the talking but I was witness, I stood there and I heard him demean Mr. Sarver. I happen to know that he's done it to other people. I happen to know that he does have a list.

What I'm going to talk about may not be comfortable, but I read the Charter over and over and I don't believe I'll be attacking anyone personally, humiliating anyone, etc., etc. Mrs. Conway has my copy of the Charter or I'd read it.

Some of you on City Council, I'm speaking about Hillandale. Some of you on City Council have made the accusation that the opposition to the rezoning of the Hillandale property is racially motivated. I'd like to coin a phrase from the Clinton era, for you Democrats that are present. I would like to say it clearly, It's the Economy Stupid.

My belief is that some on Council have accused us of racism, because Hillandale has no real economic upside. At least I haven't heard any. So I believe in the absence of a legitimate dialogue on this matter, some of you have taken the low-road and hidden behind racism. What a convenient way to absolve yourselves from your responsibility in this economic matter. I underline, economic.

I believe you are calling it racism because you have no counter-point. Councilwoman Hufnagle verbally assaulted a petitioner of the Euclid Awareness Committee, calling her a racist. Council President Sustarsic, you've been quoted in the Plain Dealer, characterizing the opposition as being racially motivated. Inaccurate.

I would like to read an excerpt from an article dated March 10th in the Free Times. Many people, especially the elderly people in Euclid probably don't read this and I think its important that they hear it. This excerpt is in regards to American Church Builders and Paul Taylor. I would like to state that these are not my words. This guy Taylor is a con man, said attorney Richard Eisenberg, who is representing Christian Fellowship Center. A congregation that hired Taylor. Eisenberg said American Church Builders was a reputable company for the past 50 years, but the company recently changed hands. Christian Fellowship hired American Church Builders to build a new million dollar

complex on E. 147 Street. It turned into a nightmare. Eisenberg said American Church Builders changed plans without the church's knowledge, removing the steeple and balcony and putting up a steel building instead of the masonry structure the plans called for. They even cheated on the underground plumbing. This is the attorney for American Church Builders, let me say that again.

They even cheated on the underground plumbing. The pipes will crush as soon as its paved, Eisenberg said. Finally, he said the City of Cleveland came in and shut the project down because the building was structurally unsafe. The wind on the lake could make it collapse, Eisenberg said. Had for some amazing reason they completed the church, he could have killed that congregation. Its one thing to be crooked, its entirely different to be incompetent.

For those of you who are concerned about the health, safety and welfare of the citizens, you should take that into consideration.

Now, put yourself in a position of being a shareholder. I'm going to change my tone here okay, or my thoughts. You are all shareholders in the City of Euclid and the city is about to make an acquisition. After hearing an article like this, how many of you would vote to make this acquisition? Does it make economic sense? No. Its not racism, it's the economy.

On another note, the Mayor talked about bringing people together during this campaign. Since January he has filled 4 positions that required replacement. I don't know if I can mention names, but Planning & Zoning Commission needed a person. The Law Director. A new Planning & Zoning Commissioner and a new Economic Director. I would like to think at this time, when the word racism is being used so frequently by Council, the City would be attempting to bring about some unity and solutions to the so-called race problem. I would have thought this, the perfect time to fill these positions and fill them in a way that would represent the diversity of our city. Perhaps the real issues of racism lie in the structure and representation of our city government. Thank you.

Mrs. Pearletha Taylor – 1495 E. 193 St. First of all I want to start out thanking this city for \$200 grant that we received for the homeowner's association. That grant will be used to light up the City of Euclid on the Heritage Park community. We are planning to buy light poles and we also like to thank PPG for donating our association \$200. We have had many fundraisers to make this project to go forward. We have already started so anyone that's in the Heritage Park community area, would you please contact me for information on buying your new lamp post.

Also, I would like to speak on something that happened to me on April 9th. I have always been here to hold this city up. I love the City of Euclid but an incident happened that really, really upset me. But not only me so much, also my grandkids, which I have always tried to teach to respect a police department and respect policemen. What happened to us on April 9th took away all that respect. Not only from me but also for my grandkids, which my grandson really want a personally apology.

I did pull a police report, which I was very shocked and very embarrassed to see all the false accusations that was in that police report. I would like to encourage anyone out there that every had an encounter with the Euclid police department, please go pull your police report and read it very carefully. We have rights that have been taken away from us. We have been prosecuted by our own police department. Not only I have had problems, but I also understand and correct me if I'm wrong, but it's a law suit pending against the City of Euclid, right now because of what the police officers have treated people, especially African-American.

One thing about it was they left a young African-American lady on the highway, with no coat. They did not give her the courtesy to make a phone call for help. And would not even give her a ride. You ask us to support the police department. You talk about law suits, please. You talk about race. Please, look at City Hall. Before you can start race in the City of Euclid, you've got to start at the top. That's at City Hall. Ask yourself, how many African-American policemen do you have? How many city councilmen and city councilwoman do we have? How many people that we have working at city council? You know working for the city, period. Think about it. You talk about race. President Sustarsic you opened this can of worms. Mr. Gruber you have helped increase it by talking about race. First look at yourself. Mainly when people bring up race, they have a problem within themselves. You need to check yourself and check City Hall.

It has been hard being in a city that you try so hard to be part of. And yet, you're poured down. You have no cooperation. I've talked to the Chief of Police. He told me no matter what I say, I could do a rebuttal, but nothing will be changed on that police report. Whether it is true or false, nothing will be changed. Okay I accept that, but how can you live with yourself when you know false reports are being made. I don't have to go in detail of what the false reports were. The people who I'm talking about, they know what they are. Now I have a family that is torn apart. They ready for me to move out of Euclid cause they feel I am a target because I speak out. I don't know and I don't care because I'm not running. I will be here to stay and I will fight for my right. I don't care who it is. I am a citizen. I pay taxes. I spoke out about the Hillandale property, yes. Because

the situation you are putting Euclid in to take us back. What Martin Luther King fought so hard for. That's integration and now you want to take us back to segregation. No. I will not run. Thank you.

Mr. Joe Udovic – 21371 Naumann. Council President Sustarsic announced that there should be laws and order among the citizens especially when addressing Council, Mayor or Administrators. He said this is city business meeting. He, Council President stated he shall enforce Robert's Rule of Order. During the time that you were the Ward 3 Councilman, Mr. Sustarsic, did you ever enforce Robert's Rules of Order? That's my first question for you. You either were part, either you verbally attacked Council, or you participated in attacking Council at that point in time. You never stopped the citizens as a Ward 3 Councilman to obey Robert's Rules of Order. The previous Council 2001 and 2003, Council members bickered, debated, amongst themselves. The agendas and meetings were long, yes. But things did not go down with an easy one, two, three vote or all yes vote on all the important issues and ordinances. Currently residents now in 2003 and 2004 are verbally debating, contributing their opinions openly to this Council and this Administration.

If we want to talk about Robert's Rules Order, at the last Council Meeting, twice Mr. Gruber voted on pieces of legislation while on his cell phone outside the lobby of City Hall. He was not in his seat. Yet you never excused him, and you never enforced Robert's Rules of Order. Can you please explain that? I would like to hear this, this evening.

On a little lighter note, I noticed driving down Rt. 2, the sign in front of the Incinerator Plant looks worn. I was wondering if there are any plans to replace it? Does anybody have any status on where the Incinerator Plant is going? Thank you, have a very good evening.

Director Gulich – As far as that sign goes, I believe that came down on Wednesday of last week. I was going by there when the crew was taking it down. It should be down.

Councilman Gruber moved to rise and report. Councilman T. Sustarsic seconded. Yeas: unanimous.

A short break was taken to change the video recording tape.

COUNCILMEN'S COMMENTS

Councilman Daly – No comment.

Councilman Delaney – No comment.

Councilman Gruber – I would like to start off on one issue that Ms. Taylor brought up about me bringing up something about race. I would like to know when that happened. I've been more than above board. I live in one of the first integrated neighborhoods in the City of Euclid and I take great offense to that issue.

Number 2, for Mr. Petkovic. Lately we've been having contractors come through the neighborhoods that offer to do various services now that its spring, such as trim trees, re-top driveways, do cement work. Can you give the citizens a little tip on what to watch for and how to make sure they are licensed and bonded in the City and they eligible to do work here please.

Commissioner Petkovic – This is the season to be very aware of what is going on in the neighborhoods. Contractors knocking on doors, telling people that they need repairs, is not the way it should be done. We ask contractors to come to City Hall to get registered in the Building Dept. If a resident has a question about someone coming to their door, first of all I'd say call the Police Dept. Second of all, all the contractors pursuant to our Codified Ordinances have to come to the Building Dept. to be registered for any type of work that has to be done. Also, I would say to a homeowner, do not apply for the permit yourself. I would say let the contractor do it. If there is poor work done, if things are damaged while the work is being done, they have little or no recourse and neither does the Building Dept. I would say to call 289-2700 and ask for the Building Dept. We have contractors on file who are registered, where the homeowner can find out if they are registered and then they can make a decision by themselves. This is the season. It is going to happen. It happens in other suburbs and it is going to happen in Euclid.

As far as #1 on the agenda tonight, I would like to make a comment. The Building Dept. is on fire right now with occupancy permits. Its amazing, everyday they keep coming in which is a good sign for the City. That means business. Whether it's a large business or small business, entrepreneur, we're being inundated with requests. That's a good sign that people want to do business in Euclid. I'm real happy to see that.

Councilman Gruber – There were some remarks made earlier about something that happened back in January. I take issue. We were elected to uphold the ordinances and rules of the City of Euclid.

Council Minutes

April 19, 2004

Page 46

When we get complaints from residents, it is our job to go out and investigate, which that has been done. Any of the information that was brought up this evening is public record available right here at City Hall. If anyone would like to see the complaints or can see some of the other paperwork, I would be glad to share that with them. This was a complaint brought by a resident. It is my job, I don't think many people would like to live next door to some of these conditions. Especially when there's bigger issues going on, I would like to share this with anyone that would be interested in seeing. Thank you.

Councilwoman Holzheimer Gail – I wanted to commend the Mayor for pulling the golf course piece. I think we need to work very hard to answer people's questions and have debate and discussion when we need to. That's why we're here and that's why we're elected. I thank him for that effort to let us continue to have those discussions. I'm sure that we will come to a conclusion soon and we'll move forward with the new golf course. Thank you.

Mayor Cervenik – Thank you. That was my olive branch.

Councilwoman Hufnagle – Mr. Gulich, I would like to thank you for taking down the sign. Mr. Tollerup, I would like to thank you for spending so much time in my ward lately. I feel like I'm contacting you every other day. I want you to know that I appreciate it and the residents appreciate it.

Chief Maine, I would like to thank you and compliment you. Over the last couple of days I've had to call dispatch twice because residents called me first and I then called dispatch. The two women that took care of me were very polite and took care of the complaints right away and I want to thank you for that.

I would like to make mention and invite everyone to Arbor Day, April 30th 10 AM at Lincoln School on E. 206 St. We will be planting a tree in honor of former Councilwoman Fay Miller. I know she would love to have everyone there. I would like to remind you, April 30th, 10 AM Lincoln School, Arbor Day.

I would like to make this announcement for Jai Walton. The Euclid Valley Pool Community Garden will be having their first meeting on Wednesday, April 21st at 7 PM in the Willo Arms apartments community room, 27061 Sydney Dr. You can contact Jai Walton at 261-8480, or by e-mail address, jwalton4Euclid@adelphia.com. They are looking for RSVP if you would like to attend this meeting. It is open to everyone. Thank you.

Councilman Langman – I had the opportunity to tour the new senior center under construction on the lakefront with Director Gulich. It is going to be truly a fantastic building. It is going to do our senior citizens very proud. It will do our entire city proud. I just want to thank again Director Gulich and all the trade unions that are working on that project.

Most of the evening was chewed up by maybe 2-3 issues on the agenda. Just to speak to #1 & #2 again, it points out that health care is a huge part of our budget situation. We spent a lot of time debating both #1 & #2 regarding the \$2 million loan and our health care administration. We do need to tackle that. I know I've mentioned it to the Mayor and I've talked to him a couple of times about it. We need a definitive plan on how we're going to review it and we need substantive recommendations to get that particular item under control as soon as possible. As one of my colleagues said, if we don't, it will simply snowball in the years to come. So we have to do that. I know it's difficult and Mayor I know it is going to be difficult for you, but on that I can support you if you do something that's bold and innovative that helps get this under control. We need to do that.

The third item is, the golf course clubhouse. I would only ask that the committee seemed to work quite a bit in private. That's your prerogative. But with the dearth of information, it is hard to make a substitute decision when we just receive this information. For the Committee Meeting, whenever it is scheduled, if its possible if minutes were kept on your deliberations, that would be helpful in making an intelligent, balanced decision on what to do going forward. Thank you Mr. Chairman and have a good evening and morning.

Councilwoman Mancuso – Good evening and no comments.

Councilman T. Sustarsic – I had the pleasure last week of attending the Weed & Seed steering committee meeting and it is good to see the great folks there doing good things for the south end of town. With the nice weather and everything else like that, I've seen a lot of people out on the golf course and I urge all Euclid residents to take advantage of all the recreational activities and services we have to offer. Weather is beautiful, enjoy. Good night.

Council Minutes

April 19, 2004

Page 47

President Sustarsic – I was wondering, looking at the schedule, if we could meet on April 26th, which is the last Monday. We could have a committee meeting then and that will precede the first Council meeting in May.

Mayor Cervenik – That's great.

Chief Maine – It was tough to sit here and listen to some of the things said by Mrs. Taylor. I had to bite my tongue. I think she's taking a liberal interpretation with some of the facts. What I told her was all indications were with the report she is referring to, the officers who responded to that complaint did a proper job. They acted in a way that they should in a responsible and professional manner. What I did encourage her if she didn't agree with the way the report was written, for her to come and attach a statement in her own words, which she did. Anybody is afforded that opportunity. If anybody ever has a question about a police report, whether they are involved, those reports are public record as long as the incident isn't under and ongoing investigation. We strive real hard as a police department to be fair and honest with everybody. I think we do a pretty good of that. I can also say to the best of my knowledge, unless the Law Dept. is aware of something, there are no ongoing, any sort of litigation involving the Police Dept. at this time. So that's another untrue comment. That's all I wanted to say. Thank you.

ADJOURNMENT

Councilman Gruber moved to adjourn. Councilwoman Mancuso seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council