

**COUNCIL MINUTES
JUNE 21, 2004**

A regular Council Meeting was held on Monday, June 21, 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, CS&ED Director Pietravoia, Recreation Director Will, Asst. Fire Chief Cosgriff, Police Chief Maine, Commissioner Petkovic, Senior Manager Hastert-Wolf, Attorney Meister, Sgt.-at-Arms Nagy, Clerk of Council Cahill.

Invocation was given by Sister Phyllis Ann of Our Lady of Lourdes Shrine.

LIQUOR PERMIT

Councilwoman Holzheimer Gail moved to receive and approve without objection the transfer of a C1, C2 liquor permit to View Adams, Inc., 525 E. 185 St. from First Choice Food & Beverage at same location. Councilman Gruber seconded. Roll Call: Yeas: Unanimous.

COMMUNICATIONS

Council has received the following Communications:

Finance Committee Reports from Director Johnson.

A letter from State Representative Jerse acknowledging receipt of our Res. 70-2004.

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

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Councilman Gruber moved to approve the Council Minutes of June 7, 2004. Councilman T. Sustarsic seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – I've got a few short items here tonight because you do have a long agenda in front of us. First of all you have before you is a 3 Year Budget Projection. As it is stated inside, we informed you that we will be putting together a three year plan. What you have in front of you is probably the beginnings of what will take place this summer. All income items and expense items are in here as total for the City. During the summer, each of the Directors and myself, Director Johnson will be sitting down going through the various departments so that when you come back in the fall you will have a departmental three year plan. This is at its earliest stages.

I would like to remind you the 5 year plan that the Schools had, I believe took a couple of years to modify and get to a point where it is very useful. We did feel it was important to give to you in this form. If you look on the last page, we are projecting a budget deficit in 2005 of a little more than \$2.4 million. Again in 2006 of \$3 million. During the summer time, we really need to sit back and decide and determine ways that we can combat this. All the numbers contained in here are very conservative. You can see there's not a lot of changes in expenses because we're doing everything in our power to keep expenses low. We also have been very conservative on the income level. Especially in items of real estate taxes and that because as you've been reading in the paper the last few weeks, there are a number of companies locally and county-wide that have been going to the County Auditor's Office and asking for reductions in their real estate taxes and for the most part, they have been successful.

By no means is this the final project. I would appreciate during the next few weeks, any comments, suggestions, each of the Director's will be providing narratives of where they want to be over the next three years. Once we have the product finished, each and every year it will be updated for the following year. I want to especially thank Director Johnson and his staff for putting this together at this time.

Again the City of Euclid in partnership with Euclid Hospital, we are sponsoring a Blood Drive, Wednesday, June 23rd here at City Hall. We're asking for people, I'd like to see all 9 Council people there donating blood. It would be great, I know you are going to be in Hawaii Kirsten. If you could, it would be great. What's happening is if the Hospital System can raise 2500 pints of blood, they receive a great discount on the blood received from the Red Cross throughout the year. It is open to the public. It goes from 9:30-2:30. All donors will receive a tote bag and you will have your name entered into a Red Cross Summer Sweepstakes for a chance to win free gasoline in your car for one full year. We kindly ask you all the come to City Hall and donate blood.

The Mayor's Charity Golf Outing will be held on Tuesday, August 24th. This year we're raising funds for the Police Athletic League, Euclid Hospital's new Emergency Room and the Rose Mary Home. This fundraiser has always been well attended and supported by the community and I'm proud to carry on the tradition. If you would like to donate door prizes, sponsor a hole or golf in the event, please call my office at 289-2751.

As these hot summer days approach, we all need to remember to keep an eye on the elderly in our neighborhoods and those that are physically challenged. If you don't see someone out and about in a day or so, knock on their door, go over and visit, bring them some Kool-Aid or Ice Tea. One of the great things about our neighborhoods in the City of Euclid is that we all look out for each other and we all care for each other. I would like you to carry on that tradition as well.

I've got some reports from Director's, I'm going to start with Kathy Will, Recreation Director.

Director Will – I would like to take this time to remind everybody that this Sunday, the Euclid Pond and Garden Tour will be held. We have 14 homes that have done wonderful jobs in making beautiful additions with the ponds and gardens in their homes. The Pond & Garden Tour will be held from Noon-5:00 this Sunday, June 27th. Tickets are \$5 and they can be purchased right here at the Parks & Recreation Office or at the Beach Club Bistro on Lake Shore Blvd.

I would like to take this opportunity to thank all of the parents and the children that participated this past weekend in the Euclid Boys League All Star tournament. What a great turn out. The weather held out for us and again to the Committee members and to all of the Boys League kids and parents, thank you for putting up with us and making it a great weekend.

I'd also like to thank Lori Manak, the owner of the Love-N-Care Day Care Center housed at Shore Cultural Centre. I had a project where I had to go in and count all of the windows in the building at Shore for a contractor. I was looking at them all and I thought, how am I going to do this? The children happen to be outside by the playground and offered to do it for me. Came in my office this week with the report, so again thanks to all the children and to Laurie for taking on that project for me. I really appreciate that.

Last but not least, I would like to invite all the residents to our Annual Family Campout. We allow residents to come into Sims Park and set up a tent. It is \$3 a person. We do that at Sims Park, behind the Henn Mansion. \$3 a person. Bring your tent, Friday, July 23rd. We provide pizza and punch to all the residents that participate. Ask everyone to bring a side dish and then we do arts, crafts and games and just have a wonderful, wonderful time. That's the family camp out on Friday, July 23rd.

About two years ago I was put in the responsibility of taking over two of our youth sports programs, our football and our basketball program. It made me get a really good look at some things that needed to be changed. I've been working with various coaches and residents and parents to try to come up with a way to govern how the department oversees our programs. One thing I thought of was to have a governing body, a Youth Sports Commission put together of different parents, and coaches that could assist us with reviewing all the rules for all the different programs that we have and also if there were any situations that may come about with a problem coach or a parent. Again, just for some guidelines for our department to better things.

In the last 2-3 months I've been meeting with a group that I feel real comfortable with the people that we have picked. They've been wonderful. Coming to our events. I would like to call up our 5 members that we picked for our Youth Sports Commission, so the Mayor can swear them in. Mr. Wilson Jones, Beth Whalen, Jackie Byrne, unfortunately two of the other members that we have, Robert Ramsey, unfortunately had an accident on Friday evening and was unable to come up here tonight. The other gentleman, Mr. John Pokorny, he is out coaching one of his boys in a baseball league.

Mayor Cervenik swore in the three members present of the Youth Sports Commission.

Director Gulich – It may only be the first day of summer today, but before you know it, it will be the 4th of July. We are having our fireworks behind here at Memorial Park on the 4th, which is a Sunday. Fireworks will start going off at dusk. Please come out early, enjoy the park, enjoy the day. In the event of rain, it will be rescheduled for the following night. Let me remind you that there has never been a rain out in the history of our fireworks.

A little bit different this year, the stadium will not be available for special festivities. The Board of Education is investing some money into the stadium there for some nice improvements they want to realize when school starts up in the fall. Speaking of which, that will include parking lot work in the back. We're working with the Board of Education to maximize our ability to park back there. Obviously we don't know what the status will be on the 4th, today, so there maybe some effect on parking. We're expecting that to be the case, but again we are working with them and looking forward to seeing all of you on the 4th.

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Director Will – I just wanted again to take this opportunity invite all the residents to the annual Irish Summerfest that will be held in Memorial Park on August 12, 13, 14 & 15th. I want to wish everyone a happy summer and I hope to see everyone at the facilities or one of the pools. Thank you.

Director Gulich – The 4th is on a Sunday and it will not affect garbage pickup. Garbage pickup the following week will be on its regular day. Thanks.

Chief Maine – I just wanted to remind everybody that tomorrow is the Law Enforcement Torch Run for the Special Olympics. Today it set off in Ashtabula County. Tomorrow it will start off on the Lake, Ashtabula County line and work its way to Euclid. It should be in Euclid somewhere around noon. We'll be going around 8 miles of Euclid. This is for the Special Olympics project that will eventually be held down in Columbus, in a few weeks. Still taking pledges if anyone feels so inclined. Even if you don't give a pledge, come out along the route and encourage the special Olympians and the runners, including myself, who will need it.

Euclid Police Dept. is sponsoring a hole in one contest to help try and provide some funding for the mini-station, community center building that we want to erect on the west-end of Euclid Ave. The three organizations that will be in there will be the Police Athletic League, the Euclid Weed & Seed, the Euclid Juvenile Diversion program. Only one contest is being held through this past Friday, June 18th through July 9th. Fridays from 4-8 pm. Saturday and Sunday 10 AM to 6 PM. A dollar will get you a chance to hit three golf balls at a hole that only about 480 yards away. No, the chances are much better than that. It is good prizes and if you get it within a 6 ft. circle, you are entered into the play off run, Saturday, July 10th at 10 AM. If you have any other questions, please feel free to call 289-8440 and they'll give you more information. Thank you.

Director Pietravoia – I wanted to take this opportunity tonight for those of you that may not already be away to announce that Erik Tollerup has resigned from his position here with the City as Housing Manager. That was effective last Friday. He's gone onto another public entity and first I want to thank Erik publicly, even though he could be here tonight for the 7 years of dedicated service that he provided to the city. I think all of you will agree that he took our Housing Division several steps ahead over the years that he was here and had a great organizational structure there.

The later part of that announcement is that we have appointed and established an interim reorganization with Ron Petkovic who will be serving as our Housing Manager. Ron has over 17 Years of experience in the Housing Division. We had discussed with him the opportunity to move over and take over the function that Erik had been provided. It makes the most sense given the background and his experience in that area.

In addition to that, we are going to be expanding the role of CT Consultants who as you know currently serves as our Building Official to also take on the role as our Zoning Manager and Zoning Commissioner. They will literally provide a staff person that will be in-house, three days a week 4-6 hours on those days. On the alternate days, Bill Gallagher who is our Building Official will be in the department for several hours. We'll literally have someone covering every day of the week between those two officials from CT Consultants. That person will also attend the Planning & Zoning meetings and the Council meetings representing the Zoning Commissioner's position. This is something that CT Consultants currently does for Willoughby and I believe a couple of other communities. They actually have staff and expertise to cover that role.

We're going to try this on an interim basis for 3-4 months. At that point, which will be early fall, we'll re-evaluate how that system is working. I expected it will work well and if in fact it does, we'll continue that arrangement. If not, we'll re-evaluate whether we want to fill the zoning position permanently at that time. I wanted to assure Council and all the community that we will cover all the functions that we're responsible for and ask you to feel free to call me directly or certainly Ron in his new role as Housing Manager. Also, Bob Gliha who is here with us tonight as Asst. Director, will be serving as Asst. Director and directly overseeing the Housing Division as well. You can call Bob, any of the three of us. Thank you.

Mayor Cervenik – I would also like to add my compliments to Erik Tollerup. As I told him before he left, the neighborhoods of the City of Euclid are a lot better off and a lot nicer place to live because of the hard work of Ron and his staff. He's on the west side now with Parma. I think Parma's gain is our loss. I wish him well and his family well. Ron we're expecting a lot out of you and I'm sure we're going to get it. That ends my reports.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Recreation Commission Minutes of April 27, 2004; Board of Control Minutes of 6/01/04 & 6/07/04. Councilwoman Hufnagle seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

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

President Sustarsic – This is to address anything on the Agenda this evening, which is quite lengthy. To give you a heads up, Items 4, 5 & 6, are first readings. Although it is dependent upon what council might decide to do at that particular time. It is also under my impression that Items 1, 2 & 3 will be heard as Public Hearings with motions for the third reading being waived. Consequently if you have anything on Items 1, 2, 3, 4, 5, 6, you can hold off until the time of the public hearing.

Mayor Cervenik – Item #1 is a rezoning and therefore that one will not be waived. It cannot be waived at this time because of our public notification rules. What you said on all the other ones are correct. If anyone on Council would like to waive those, with 6 votes they can do that. But #1, because it is a rezoning, that cannot be done tonight.

President Sustarsic – I stand corrected.

Mrs. Dorothy Fike – 20271 Delaware Rd. I'm speaking to #11, the ordinance amending the Wireless Communication Antenna and Towers. I have been following this for at least two years, perhaps three and I want to compliment the Planning & Zoning Commissioner and Asst. Law Director Brian Meister for the ordinance that is being proposed, the amendment rather. It handles it very well, it covers a lot of the concerns of the citizens about saying they have to be 1,000 ft. from any resident. It is a very comprehensive and it sounds like it is a very good ordinance and I want to compliment Mr. Meister and the Planning & Zoning Commission for coming up with such a thorough review of the ordinance. I hope Council passes this tonight and we can go forward from there. Thank you.

Mr. Tod Guntner – 390 E. 257. I would like to ask for your yes vote in confirming Claudia Rose to the Euclid Animal Shelter Commission, #15. Claudia is a dedicated volunteer who spear-headed our Adopt-A-Thon and made it the success that it was. She is now helping us with our grant writing and some of our student volunteers and volunteer groups. She is already a welcome addition to our volunteer staff. I would like to thank Council for their continued support of the Euclid Animal Shelter.

Mrs. Kay Lada – 4 Gateway Dr. I'm here to address #7 & #8. I am here as Advisory Counsel Chair Person for Euclid Senior Programs at the Euclid Square Mall. The Advisory Counsel's Chair Person along with 10 other seniors are elected by the participants of the program to represent the cares and concerns of the seniors of the community and are working with our counterparts at Emeritus House. Our mutual goal is to work with the staff and the administration to open our new facility in such a way that the voices of those who enjoy and depend on the program and services are heard and acted upon. In order to meet that goal, we urge the Council members to support the contract for furniture and fixtures. It is very important to us, the users of the new center that the furniture be designed to enhance the look of the building, to look good and be durable over time and to be easy for seniors to use. Also to encourage new people to come and use the building and the programs.

Equally important is the authorization to continue our relationship with the Western Reserve Area Agency on Aging and the Older Americans Act. The resources this relationship provides with meals, served at the center and the meals sent to the home bound are very important and crucial to those seniors who need them.

Our Advisory Counsel at the Mall and Emeritus House continue to be committed to working together and hope you are as well. Thank you.

Mrs. Julia Graham – 1491 E. 191 St. I'm here to address #7 & #8 also. I'm here as the Advisory Counsel Chair person for the Euclid Senior Programs at Emeritus House. Just like the nutrition site at the Mall, the Advisory Counsel represents along with 8 other people, the care and concerns of seniors of the community. Particularly those who attend Euclid Senior Programs at the Emeritus House. Our mutual goal as stated by Kay Lada is working with the staff and administration to open our new facility and for it to be a success. We believe that means all who are using or need to use the program and services have their concerns understood and plans are made to address their concerns. With this in mind, it is very important to continue our relationship with the Western Reserve Area Agency on Aging and the Older Americans Act. We are learning that many of the concerns of those who are accustomed to attending at the Mall and the Emeritus House are similar. However, for the people who attend the Emeritus House, there seems to be a greater need for the meal program because of the low incomes and also transportation seems to be the biggest issue. We concur that supporting the congregate and home delivery meal programs is crucial to the success of the new center. We also support the City working

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with a professional design team for furniture and fixtures. As Kay has stated, good design will help all enjoy the new building. On a personal note, I'm looking forward to bright and lively colors for the new building.

We are committed to see this process through for the good of all Euclid seniors and urge your commitment and support. Thank you.

Mrs. Rebecca Conway – 291 E. 276 St. Item #11, the Wireless Communication Antenna. I hope that you all pass this tonight because it does seem to appear that it is identical to the model ordinance originally proposed by Mrs. Mancuso. It is the 2004 way of doing business, compared to the old product that we had in 1997.

#23, I am in full support of snow removal for all the seniors in our city seeing that we have so many of them as well.

Could someone answer #16, what exactly this means? Is this for demolition of the golf course, or? Anybody, Mayor that's fine.

Mayor Cervenik – We will be entering into a project labor agreement with organized labor as the School system did with their project. To not only build the proposed club house, but to demolish the others, provided the bids come in within the engineering cost that were provided tonight to City Council.

Mrs. Conway – So its to build, its to demolish and rebuild?

Mayor Cervenik – The whole project.

Mrs. Conway – Item 17, that's for the bid part of it?

Mayor Cervenik – Item 17 is where we're authorized to advertise for bids and enter into the contracts. Because we go into a project labor agreement, I need authority to enter into that project agreement with the building construction trades. Then we will go out for bids and all those that follow the project labor agreement are authorized to bid.

Mrs. Conway – When you get those bids, do you have to come back to Council for acceptance of those bids if its \$1.4 million? \$1.8? Whatever?

Mayor Cervenik – Normally how it works is as long as the bids are 10% of the engineer's cost, the Board of Control is authorized if they choose to fit to award those bids. I'm making amendment tonight that we will come in at least even with the engineered cost, or we will not award those bids and come back to Council at that time.

Mrs. Conway – When you talk about the engineer bids, was that the \$1.4 million you guesstimated the project for demolition and rebuilding to be?

Mayor Cervenik – The bidding process without a contingency, we're looking at about \$885,890,000.

Mrs. Conway – To demolish and rebuild 4,000 sq. ft.?

Mayor Cervenik – Demolish, rebuild. But that's not including the architect, engineering fees at 7% and the bidding cost in that. We firmly believe the bids should come in somewhere around \$885,000-\$886,000 and on top of that we have a 10% contingency which is pretty standard as we have done with other projects.

Mrs. Conway – With the architect?

Mayor Cervenik – With the architect, soft costs, compaction testing and all that, we have the total project cost listed at \$1,550,650.

Mrs. Conway – It just still boggles my mind how the old plan was, all the numbers were in at 18,000 sq. ft. it was going to be roughly \$2.2 million. So when you divide that it's about \$122 a sq. ft., which is about new building costs. Your plan, 4,000 sq. ft. at approximately, well I had \$1.4 million, so I'm about \$300,000 off there. But when you divide that it is \$350 a sq. ft. I understand that includes the demolishing of it.

It still boggles my mind how we're spending approximately only \$800,000 less but we're getting 14,000 less in square footage.

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Mayor Cervenik – The pro-shop, bar and grille are approximately 3,760 sq. ft. at \$122 a sq. ft. The pavilion, which is a rather large pavilion that will hold 200 people is 2,325 sq. ft. at approximately \$40 a square foot. Then we also have a 2,000 sq. ft. patio plaza that seats about 50-60 people at \$12 a square foot. So, we're well within those numbers that you spoke of.

Mrs. Conway – So it is still at 4,000 sq. ft. though, total, your plan?

Mayor Cervenik – The Club house itself, yes. The total facility, no. There's much value to having a 2,325 sq. ft. pavilion.

Mrs. Conway – I just hope the numbers come in at that. Because once the building is demolished, we lose all that space that we could use for any future possibilities, whether it be catering, whether it be sports, whether it be banquets or anything like that.

Mayor Cervenik – Ms. Conway, on the suggestion of Councilwoman Gail, this is the reason that if the numbers do not come in at this, we will not go forward with the demolition without Council's approval.

Mrs. Conway – Then what happens though? Because if I understand right, the legislation that Mr. Langman proposed, because it was defeated, we don't have a back up plan. So we start all over with architects, numbers, going out for bids.

Mayor Cervenik – That would be completely up to Council. If these bids came in at \$10,000-\$15,000 higher than we're proposing, I would ask Council to consider going forward with the project. If it comes in \$300,000 higher, which I highly doubt, but if it is, yes, then we don't have a back up plan. We've worked very hard on these numbers, we're very confident these numbers are solid. We firmly believe that entering into a project labor agreement will really provide us with very, very good, strong bids from very good, strong local northeastern Ohio union companies that have great qualified employees. I think we're going to be well within this number right here. That building does not get torn down until all the bids are in.

Mrs. Conway – When do you expect the bids?

Mayor Cervenik – I'm going to give you the date of July 29th, give or take a week or so. The project is going in front of Architectural Review Board on Thursday. Depending on how that goes and we're fairly confident Architectural Review Board will give their stamp of approval, with some probably minor changes, as they have the right to do. We will give it to the Building Department and go through the plan review process. When that is done, we will go out for the bids.

Mrs. Conway – Great.

President Sustarsic – Your time has long since expired.

Mrs. Conway – Thank you.

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

LEGISLATION

Ord. (136-04) Clay Matthews Rezone 2nd Rdg.

An ordinance rezoning P.P. #643-19-026 located at 940 Babbitt Rd., from ASF (Attached Single Family) use district to U-4 (Commercial) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

Second Reading.

President Sustarsic – Second reading. Based upon when we get in touch with the surrounding entities and the like, we will schedule the third reading and consequently the public hearing.

Res. 111-2004 (137-04) UDE St. Christine's

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Codified Ordinances of the City of Euclid to Reverend Patrick Henry of St. Christine Church, to allow a UR-1 (School) use in a UR-2 (Church) use district at 860 E. 222 Street (P.P. #641-26-005). (Sponsored by Planning & Zoning Commission)

Councilwoman Hufnagle moved to waive the three reading requirement. Councilman Daly seconded.
Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso,
Sustarsic, Sustarsic.

Three Reading Rule Waived.

Commissioner Petkovic – This will allow St. Christine's to start the process for getting their tenants in, to start their renovations for the Charter School. Fr. Henry is here with some of his staff to answer any of your questions.

Councilman Langman moved to suspend the rules to have the audience participate. Councilman Delaney seconded. Yeas: Unanimous.

Fr. Patrick Henry – I'm the Administrator for St. Christine Church. As you know our school had to close at the end of this school year. After putting the emphasis on what we can do for the planning of the families that have children at our school and with our faculty, we turned our attention to the building.

We were approached by several, three other programs who are interested in using our building. In our meetings with our parish, our parish indicated that they would not want that building to stand idle. They would hope it would be used for an education purpose and that we would find someone who would be a good neighbor. In those three instances, we didn't find that the people who were applying, who are asking to use our building, would be providing a quality program, so we were quite concerned about that. We were approached then by National Heritage Academy. Mr. Sandy Eustis from that organization is here as well if you have specific questions about that.

Our visits to their facilities at their schools in Michigan and all the other contacts we've had with this agency have proven to be very positive and we then have developed an agreement with them to lease our school building for a period of two years and then it will be sold to them. Apparently in the past our School was zoned under the blanket of our church and there was a separation made a UR-2 designation for Church, UR-1 designation for a School. When that clarification was made in the City Charter, that had not been applied to the parochial schools in the city. It was a matter of housekeeping as well that we are here tonight to ask that would be clarified in the instance of St. Christine.

St. Christine has had a school for 76 years. The building that we are talking about a Charter School occupying has been a school ever since its inception. If you have any questions?

Councilman Langman – Just a technical one, Mr. Chairman. Mr. Petkovic it says in the legislation, it refers to Pinnacle Academy and I keep hearing National Heritage Academy. Could you or maybe the representative enlighten us on the difference if any?

Commissioner Petkovic – I asked Fr. Henry what the name of the school would be because I was hearing Christine Academy. But what's going to happen is it will be called Pinnacle School, correct Father?

Fr. Henry – Yes, as I understand it and certainly Mr. Eustis can clarify this that National Heritage Academy is the umbrella organization that sets up the schools and then those schools are actually run by a Board and that Board then establishes the name of the school. This has been so hard for us to close our school, our parish school. Out of real sensitivity to our people, the folks at National Heritage Academy thought that since it was located on Christine Ave., that maybe it would be called Christine Academy. While that was as thoughtful a gesture that could be made, at the same time I was concerned because we're going to have St. Christine Church right next to Christine Academy is this going to be confusing. It was decided on both sides that maybe another name would clarify that.

National Heritage Academy is the umbrella agency which has a number of schools here in Ohio, New York and Michigan and Indiana. There are 39 schools and they are opening 11 this year. They are the umbrella organization, Pinnacle School is one of their schools, hopefully, here in our city.

It is interesting to know that about 30% of the children that will be attending, whose parents have applied for that school, it is a public school, that 30% of those students are students from Euclid Schools, the others are from Cleveland. So a large number of Cleveland students will be studying here.

President Sustarsic – I'm very impressed with the documentation we received and as far as the track record nationwide on this particular educational entity. I look forward for great success within the City of Euclid. Are there any other comments or questions from Council?

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Councilman T. Sustarsic – I would just like to make a comment, just for the record, I had a conversation with Chris Frey. I am a member of St. Christine's, but I have no monetary gain for what happens, so I will be allowed to vote. If anyone has any questions on that, they could defer to our Law Director. Thank you.

Councilman Delaney – I would just like to add that this is a school reform, a national school reform. Every hundred years our common school movement seems to get them. It's perfectly legal. It's something that has gone on all over the country. I believe it was our last Supt. Dr. Stanic that said it would be inevitable that Euclid would have a Charter School. I'm glad its also a neighbor of Fr. Patrick Henry who has proven to be a fine member of our community. Thank the Heritage Academy for copying all that good literature to us so we had a very good understanding about their specific school. Thanks.

Councilwoman Hufnagle moved for passage, Councilman Gruber seconded.

Councilwoman Holzheimer Gail – This is a public hearing. We need to give the audience a chance to speak?

President Sustarsic – Are there any comments from the audience? Seeing none.

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

Passed.

Res. 112-2004 (138-04) Watergate UDE Coffee Shop

A resolution granting a Use District Exception pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to AERC-Watergate, Inc. to allow a U-4 (Retail/Wholesale) use in a U-3 (Apartment) Use District at 26151-26241 Lake Shore Boulevard, Permanent Parcel #644-09-004. (Sponsored by Planning & Zoning Commission)

Councilman Langman moved to waive the three reading requirement. Councilman Daly seconded.

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

Three Reading Rule Waived.

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

Commissioner Petkovic – This is before you tonight for a Use District Exception to allow a coffee shop in the Watergate Apartments, down in the basement where they have all the other shops there. Their occupancy is up to code, they are ready to go and its up to you tonight.

Councilman Langman – This is not unusual, we've dealt with these types of issues over the past couple of years, first at Harbortown and now at the Watergate. This is a nice amenity for the residents only of the buildings. It shows that our lakefront is really moving along. People want to upgrade their properties to compete with what's going on at Harbortown. This is another step of upgrading our waterfront and it is a very nice amenity for the residents.

Councilman Delaney – Although its only a 410 sq. ft. coffee shop, it is part of one of the components of the \$10 million renovation of the Watergate. I'd just like to say that's a trickle down of what's happening all along Lake Shore Blvd. Because of much of the improvements to all the high rises that we find ourselves with other separate owners, putting more money into their amenities and bringing in a more affluent apartment complex. It is really a great step and I think this might finish up the entire project, a very good one.

Ms. Charmaine Jefferson – I'm the Associate Property Manager at the Watergate. Currently we have three businesses that are open and running and doing very well. We have a convenience store, a barbershop and a dry cleaning and tailor. In two weeks we're going to open up a pizza parlor. The coffee shop is next on our list.

President Sustarsic – Any comments from the audience regarding this?

Ms. Jefferson – I would also like to add that the renovation is coming along very well and we've moved into our new offices in the lobby area.

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

Resolution passed.

Res. 113-2004 (164-04) UDE E. 222 St.

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Planning & Zoning Code of the Codified Ordinances of the City of Euclid to Richard M. Harmon, owner of the property located at 1060 East 222nd Street (Permanent Parcel No. 646-16-025), to allow a U-1 (Single Family) use in a U-6 (Industrial & Manufacturing) Use District with the condition that two parking spaces in the parking lot be marked as permanent parking for the residents of the single family dwelling. (Sponsored by Planning & Zoning Commission)

Councilwoman Hufnagle moved to waive the three reading requirement. Councilman Gruber seconded.

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

Three Reading Rule Waived.

Councilwoman Hufnagle moved for passage, Councilman T. Sustarsic seconded.

Commissioner Petkovic – Mr. Harmon is here this evening to answer any questions. He has purchased this property. It has been vacant for a year and a half. He had some tenants in there before that did a lot of damage inside. He is putting new windows in, new vinyl siding and making repairs and he wants to use this as a rental property. This home and the one that's close to it was built in 1920. It seems like our industrial area has built around these homes. That's why we're asking for a Use District Exception.

Councilman Gruber – Mr. Petkovic, will that entire home just be used for a dwelling, or is there going to be commercial space in the downstairs?

Commissioner Petkovic – That's a single family home and we were assured at the Planning & Zoning meeting that would be a single family home and there will be tenants there.

Councilwoman Hufnagle – You said the previous tenants had caused some damage, so I'm assuming there are some housing code violations that need to be corrected? Are those corrected if there is and if you could refresh my memory, do they need to get an occupancy permit to rent the property?

Commissioner Petkovic – This actually originated from the Housing Dept. They went there to do an inspection and John Hayes has informed them that since its been vacant for a year and a half, they would have to go back to its original zoning which is industrial. That doesn't match with what is sitting there. Our Housing Dept. was going to do a rental inspection on the home but found out that John had made his comment and in the investigation of it had decided this would be the better way to go. There are still current violations and yes, before they rent it, a rental inspection has to be done.

Councilman Daly – This was reviewed by Planning & Zoning and they did approve this?

Commissioner Petkovic – Yes they did.

President Sustarsic – Any one from the audience that wishes to address this?

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

Resolution Passed.

Res. (165-04) 26100 Euclid Ave. UDE

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Planning & Zoning Code of the Codified Ordinances of the City of Euclid to Frank Zigman, owner of the property located at 26110 Euclid Avenue (Permanent Parcel No. 648-51-002), to allow a U-6 (Industrial & Manufacturing) use in a U-4 (Local Retail or Wholesale) Use District. (Sponsored by Planning & Zoning Commission)

First Reading.

Res. 114-2004 (166-04) UDE Church/Daycare

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Planning & Zoning Code of the Codified Ordinances of the City of Euclid to Boulevard Presbyterian Church located at 24600 Lake Shore Boulevard (Permanent Parcel No. 644-19-004, 005, 006, 007, 043), to allow a UR-1 (Daycare) use in a UR-2 (Church) Use District with the conditions that the parking lot be repaired and a secured outdoor playground area be specified prior to occupancy. (Sponsored by Planning & Zoning Commission)

Councilman Langman moved to waive the three reading requirement. Councilwoman Mancuso seconded.

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

Three Reading Rule Waived.

Councilman Langman moved for passage, Councilman Gruber seconded.

Commissioner Petkovic – Mrs. Doriela Mack is here tonight to answer any questions on this Use District Exception for a day care center at the church. I would like to remind you that back in 1999 Planning & Zoning Commission had approved this area for a day care center. Mrs. Doriela Mack is here this evening, if she would like to approach the podium and answer any of your questions. This is contingent on making some repairs in the parking lot and also Planning & Zoning would like to have a better answer as to how the children are to be guarded, I should say, enclosed or barrier off in the parking lot when they go outside to play. Mrs. Mack is here this evening.

Mrs. Mack – I'm actually going to have Mr. Haverlock speak on behalf of the fixing of the parking lot and enclosure that we've been discussing.

Mr. Haverlock – The parking lot we had an issue with one of our drains, it is broke down and we're having that repaired. We have entered into having a couple bids for that through a number of different businesses and so forth. We will have it repaired before they begin having children in our parking lot.

The discussion on the cones, or dividing the parking lot for children. One side is actually fenced off and this is exactly how the previous day care had provided security of the parking lot. They chained off the entrance from 246 and they used cones on the opposite side and that was the proposed suggestion for this as well. There is another suggestion that they take saw horses as well and paint them orange and actually put 2x4's across or tape to divide it.

During the day the church is not used to any extent. We have 2-3 cars. That being the Minister, the Church Secretary and the only other cars would be children being dropped off. Any other questions?

Councilman Gruber – You currently run a day care anywhere? Do you have experience in that?

Mrs. Mack – I do have experience yes. I'm actually right now working as a pre-school teacher and pre-K coordinator of a day care center off of Lake Shore Blvd. I do have 14 years experience in early childhood education. I have been an assistant director and a director of a day care center in Cleveland Heights.

Councilwoman Hufnagle – Mr. Petkovic, the plan that they just presented to us about securing the parking lot, is that the plan that they presented to Planning & Zoning?

Commissioner Petkovic – No, it is not. The plan that was spoken of the night of the Planning & Zoning meeting was using cones and a chain to keep the children inside. I want to remind you tonight that this is a safety issue for the children. It's a safety issue for the city also. Once you pass this Use District Exception and allow the day care to come in, you are responsible for that decision.

There are entrances from 246 Street and 248 Street to go into that parking lot. The one entrance has a chain that goes across it and certainly that is not going to keep any children out. I would hope that Mrs. Mack and Mr. Haverlock come up with something a little bit more secure for the kids. I'm worried about the safety issue. When the kids go out and play, I think Mrs. Mack stated at the Planning & Zoning meeting that she was going to have about 35 children there. We want to make sure that these kids are going to be, I don't want to say corralled in, but barrier in some way that they can keep an eye on every one of them because they have a tendency to roam and they take off.

I would hope a better solution could come up from Mrs. Mack about keeping these children.

Mrs. Mack – My total occupancy, obviously if the permit is granted would be for 33 children. That will be for two classrooms. One classroom would be for 20 the other one for 13. All children would not be

on the parking lot at the one time. We go outside by class. The most amount of children that would be out at one time would be 20 children, which is the largest class that we would have with two staff members.

The chain would obviously keep the cars from entering the parking lot off of the 246 exit. The children will not be unsupervised, they will be outside with their teachers. One teacher would position herself by the chain. I have actually been in day care center before where we used the parking lot. The children do not, they are concentrating on using the riding tools, playing their games. We do relay races, we use hula-hoops, we do a lot of equipment. We don't just, the teachers will not just sit in a chair and let the children roam. They will be secured.

I am more than willing to look into maybe a permanent fence if the church is agreeable to that. If the concern is that the children will go underneath the chain. As far as the other side of the parking lot would already be blocked off with the cones, so if anyone would be needing to enter the parking lot, they could use the entrance on the other side of the street. Would obviously have no access to where the children are playing.

Councilman Delaney – I see that in our legislation that the resolution is contingent upon repairs of the parking lot. We do have laws that govern the safety of the children outside, don't we?

Commissioner Petkovic – There are State laws that she also has to follow. There will be an inspection done by the State. The broken sewer that Mr. Haverlock talked about, they are in the process of having that repaired, but there also are some chuckholes in the parking lot that are a little bit deep. They are going to make repairs on those also.

Councilman Delaney – I see the Resolution is subject to that. I see that the people involved are experienced day care operators. All that being contingent on the Resolution, I don't see why we should hold up their business, seeing that this is the last Council Meeting. We do have them on the record as saying that they will provide a safe and secure environment for these children. Thank you.

Councilwoman Hufnagle – It seems pretty clear to me that Planning & Zoning was concerned about this issue. I believe that these people understood that it was an issue that needed to be answered before it came before this Council. I'm not comfortable voting on something, it says to be specific prior to the occupancy. I'm not comfortable voting on this with saw horses. We're talking about children. I don't see this as a secured playground area. Thank you.

President Sustarsic – Mr. Petkovic, relative to that, it is specified in the ordinance as far as secured playground area, specified prior to occupancy. Is there a difference? In other words, if this were to be approved this evening, does it still mean this entity might not be able to work if they don't meet the specifications of the city?

Commissioner Petkovic – The Chairman of the Zoning Commission at the end of the meeting, on this issue, was very specific in saying, we want to know about specific barriers for the parking lot when the children are outside. I would be very comfortable with saw horses, the 2x4's on both entrances along with cones, if they would agree to that. I would be happy with that. Now this is all subject to an occupancy permit and an inspection being made. We would like to have their assurance that they will provide the saw horses with 2x4's and the cones on both entrances to make sure the kids will be kept in there.

Also it was good to hear, I thought that Mrs. Mack was going to have 33 or 35 children out at one time. It is good to hear that is not going to happen.

Mrs. Mack – I do apologize for that misunderstanding. I did not make that clear last time. Yes, we will go out one class at a time. Yes, that's definitely agree with me and of course with the Church as far as using both suggestions that I came with, the saw horses and the cones at both entrances, if that definitely eases anybody's concern. I will keep these children safe. I'm a mother myself, so I'm definitely for their safety as well.

Councilwoman Mancuso – How many teachers do you have out with 12 children at a time? Or 20 children at a time?

Mrs. Mack – According to the State ratio, it depends on the ages. If I have a classroom of preschoolers, 3-5 years old, the ratio is 1:12. I actually would keep that one to eight, so I would have two teachers with a group of 16 children. Then, the 13 children would also be two teachers. At least two staff members per class that I'm looking at.

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Councilwoman Mancuso – So if you have 20 children out there?

Mrs. Mack – Then I would have three staff members, with a class of 20, yes.

Councilwoman Mancuso – Do we have any other day cares that run into this situation with double entrances?

Commissioner Petkovic – Not to my knowledge.

Councilwoman Mancuso – Does the State give us any direction at all?

Commissioner Petkovic – Did you apply Mrs. Mack for the State occupancy?

Mrs. Mack – I cannot apply for a State licensing until I have an occupancy permit. I would like to add however, that this State does approve of the cones being used as partition of the parking lot. It is done in several day cares. There's some in the Euclid area that use that. That is also, as far as blocking off the parking lot. Because there are no cars that are coming into that side. The State, all requires that you do have a secured play area. They do not require a fence, they require a natural barrier or any other physical barrier that keeps the children from exiting the parking. We will definitely keep the children from exiting the parking lot.

Councilman Langman – Mr. Petkovic, assuming that we approving this this evening, is there any legal lever that makes them have to come back to Planning & Zoning with the barrier issue? You mentioned that Planning & Zoning would like to see a more formative plan and so would I, quite frankly. Is there anything legally that makes them have to do that?

Commissioner Petkovic – It was a statement made by the Chairman, Mr. Howard Drake. At the end, when this was voted on, he just wanted to make sure that she would be here this evening to provide details and specifics to City Council about that issue.

Councilman Langman – Do you feel comfortable, Mr. Petkovic that even if we approve this tonight that we have enough safeguards to ensure the children's safety is addressed to our satisfaction?

Commissioner Petkovic – I will be very comfortable with the saw horses, 2x4's and the cones and of course the one chain on the 246 side. Yes, I would be very comfortable with that.

Councilman Langman – Law Director Frey, would you be comfortable from a legal standpoint, if we approve this and then came back and reviewed?

Director Frey – We have the ability to inspect the operation. If it is not safe, we can order the operation to cease and that is what I would suggest we would do. It would be to inspect from time-to-time to make sure there's compliance with the use district exception and the provisions, if council adopts that, that are put in there. I would say some periodic inspection would be necessary for my comfort level to be satisfied.

Councilman Langman – Mr. Petkovic, you can comply with that, I'm sure?

Commissioner Petkovic – I would agree with that, yes. Also understand the Fire Dept. has to inspect, their Fire Prevention Bureau. She has to apply for an occupancy permit, which will then cause an inspection to be made by the Building Dept. and then the State will come in. There is a lot of criteria she has to meet before the doors open.

Councilwoman Holzheimer Gail – I think its been clarified, but I was just going to say that the Resolution is contingent, the occupancy is contingent upon secured outdoor playgrounds. The way I read that, I would ensure that, it won't be Ron now, but our Zoning Commissioner or the Building Commissioner will make that a requirement of occupancy. I've also worked with pre-schools and we've had the State come out and they won't approve it if it is not safe. There's a number of types of fencing that you can pull out and roll back, things like that that perhaps the State may recommend something like that rather than cones and chains or boards. But, the preschool that my daughter was at, they do have an outside play area in a parking lot and they use cones. We actually just this past year had to put up a fence. I'm sure the State has strict criteria which cover daycares and preschools and I'm sure when that process begins there maybe more changes. I'm comfortable that the building and zoning

commissioner will not grant occupancy unless these conditions, both the parking lot and the secured outdoor playground are met.

Councilman Daly – Just a question, the matter that we’re actually voting on is just the Use District Exception. So it is just a zoning issue. I don’t see how that would put any legal obligation on us as far as the safety of the children are concerned. One thing I just wanted to make sure, this was passed unanimously, was that recently or was that in 1999?

Commissioner Petkovic – It was passed unanimously at the Planning & Zoning meeting, the current one.

Councilman Daly – They were unanimous and I don’t see why we’re hashing out the details of things they need to do just based on the question of whether we’re going to give a Use District Exception.

Commissioner Petkovic – They understand the contingencies.

I would like to say also that with items 2, 3, 4 & 5, all these use district exceptions, if they are not completed within 6 months, it reverts back to the original zoning. So, all these have to start within 6 months, otherwise it goes back. Thank you.

President Sustarsic – Anyone in the audience that would like to make any comments?

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

Passed.

Res. 115-2004 (160-04) Title III B & C

A resolution authorizing the Mayor of the City of Euclid to approve any and all documents to provide for the continuation of funding for programs under Title III B and C of the Older American’s Act for the Program Year 2005 and 2006. (Sponsored by Councilwoman Holzheimer Gail by request of the CS&ED Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Gruber seconded.

Director Pietravoia – I also have with us tonight is Margaret who is responsible for running these programs. This is a matter that comes before Council, I believe its every two years. This would provide funding for the meals programs and the congregate programs that we provide at our Senior Center. There’s a lot more detail, if you have any questions, either Margaret or I would be happy to respond. Tonight we’re just looking for your support to authorize us to go forward with the application.

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

Passed.

Ord. 116-2004 (163-04) Senior Center

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to retain Herman Miller Workplace Resource to serve as purchasing agent and to provide design services, as per Exhibit A, for the furnishings for the Euclid Senior Center. (Sponsored by Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilman Gruber seconded.

Director Pietravoia – This piece of legislation would give us the authorization to enter into contract with Herman Miller to do two things. They would actually provide the design work necessary to determine what type of furniture and furnishings will be needed in the new senior center and then they will actually act as our agent to purchase those furnishings through the State of Ohio Cooperative Purchasing program.

As is indicated in the ordinance, the amount for the design services is a not to exceed at \$1,100. We’re looking for Council’s support this evening to allow us to go forward so we can undertake this work during the summer months in preparation for the opening this fall of the senior center. We have a representative here tonight if you have any questions from Herman Miller.

Councilwoman Holzheimer Gail – I would just like to add that two firms were interviewed during this process. I was able to participate in just a small portion of it. I think it is important that we have someone work with us to furnish the senior center. It is going to be used quite extensively, both by the seniors and the community. It is a top-notch facility and I think we need to make sure that people who

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know how to furnish this type of facility help us make the decisions of not only how to lay out offices and office furniture but also choosing the most appropriate furniture for the entire center.

I know that both representatives from both site counsels of the senior centers went and visited the showrooms of both firms that were interviewed. I think it was their decision and the staff's decision that Herman Miller was the best choice. I think its money well spent. I think we'll be happy in the long run and we'll definitely get a better result using professionals.

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

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

Passed.

Ord. 117-2004 (153a-04) ECO Trees

An ordinance amending Chapter 909, Trees, Plants and Shrubs, of the Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Daly by request of the Parks & Recreation Director)

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

Director Will – The piece of legislation that you have before you this evening is in regards to the diseased, dangerous, nuisance trees in the City of Euclid. Over the past several weeks, I have been meeting with the Law Dept., Ohio Department of Natural Resources, our Shade Tree Commissioners and Dean Grida, Parks & Recreation Maintenance Superintendent and City Arborist, to review this ordinance.

Currently as the ordinance reads now, the City's responsible for any diseased, dangerous or nuisance trees on public property and on private property. What we're proposing is to redefine certain sections to better define the situation in which the Parks & Recreation Dept. becomes involved. The revised ordinance will continue to make the Parks & Recreation Dept. responsible for taking any action to remove a tree that is on public property or private property that affects the public right-of-way.

In the event that a tree is on private property and it does not affect the public right-of-way, the homeowner will have to take their own action. If the City does take action to remove a tree from private property that is in the public right-of-way, the property owner will still have to pay for the cost of the removal. Should the cost remain unpaid, the City is authorized to certify the amount to the County to have the owner's taxes assessed. Mr. Dean Grida, our City Arborist and Superintendent is here tonight, if you have any questions, we'd be glad to try to answer them. Thank you.

Councilman Langman – Point #3, Trees Causing Damage, it reads, any tree on private property having roots or root characteristics which damage a public sewer, street or sidewalk is declared a public nuisance and shall be removed by the owner or occupant of such property. Shouldn't there be an intermediate step to that? You're talking about usually trees that maybe 40, 50, 80 years old. That would be quite expensive to remove if it was just heaving a block of sidewalk. It just seems that's rather severe for situations that I'm sure many of us have run into where they have a very old tree, a new homeowner, and we come out and say this damaged the sidewalk, now you have to take down the tree and probably have to fix the sidewalk too. Is there anyway we can have an intermediate step or maybe put it at somebody's discretion so that the only option is not simply to take down the tree?

Director Will – I'm sure there is probably a way to do that. But to be honest, legally I would have to defer over to our Law Director and ask him that.

Asst. Law Director Vento – We can look at that and either put in language to abate the nuisance and/or remove the tree. It is worded that way to put the ownness on the homeowner to do something with it. There is language in 909.14 also that talks about abating a nuisance as opposed to removing a tree. We can change that. If you give me a minute, I can suggest some language if you would like to amend it on the floor.

Councilman Langman – At least we should hear what you come up with.

Councilman Gruber – Director Will, the procedure for a tree on a private property that would be deemed dangerous. Say you get a complaint from a neighbor or something, the procedure would be to call the arborist, or should we go through the Housing Dept., or how should we address these calls?

Director Will – How the situation is right now, Councilman Gruber is they should make a call to our Parks & Recreation Maintenance Dept. At that time we will ask our City Arborist to go out and take a look at the tree to assess it and make a decision at that point, whether or not what the situation would be.

Councilman Daly – A tree on a treelawn, is that private or public?

Director Will – A tree on a treelawn is city property.

Councilwoman Mancuso – If there is a complaint about a tree on a treelawn, the Arborist is going to go out and do the same thing that he would do a private citizen. He would come out and say that tree is diseased and the city's going to come out and take care of it?

Director Will – If we get the call I'll have the Arborist come out and make that assessment at that point to determine whether or not the City needs to take care of that or if its up to the homeowner. If it is on the treelawn, it is going to be the city's responsibility. If it is assessed and it is dangerous. If it is on private property, if it doesn't affect the public right-of-way, then it will be up to the homeowners to take the action.

Councilwoman Mancuso – Its on the treelawn and its hanging over into the streets and you can't walk by, then the city will take care of it, in the same manner that we would charge our private citizen to take care of it?

Director Will – That is correct.

Councilwoman Mancuso – A follow up question and I'm not an Arborist. Our arborist will have a consistent format that he follows every time he goes out to look at people's property and trees. He will notify them in a certain period of time based on a walk around the property. So that we just don't have somebody going out on somebody's property and we're getting phone calls about it.

Director Will – Absolutely there is a policy he follows each time he goes out to make an assessment.

Councilwoman Mancuso – He has consistent things he looks for?

Director Will – Correct.

Councilwoman Holzheimer Gail – Director Will, do we have an Appeal process if the resident disagrees with the decision. Could they get their own arborist to make a perhaps, or appeal it to the Shade Tree?

Director Will – Yes they could. We have had the situation where they brought in their own arborist. At that point then it would be turned over to the legal department to assist us in that matter.

Councilwoman Hufnagle – Under #3, Trees Causing Damage. It talks about trees on private property, just as Councilman Langman had mentioned, causing damage to a public sewer, street or sidewalk. Does this ordinance at all address the issue of a tree on private property causing damage to adjacent private property? Is that an issue?

Director Will – As it reads now, my understanding is this does not address that.

Councilwoman Hufnagle – Should we have a situation such as that, it is really between the homeowners?

Director Will – Correct.

Director Frey – That was specifically left out of this. The best place to resolve the border tree dispute is between the neighbors. That really is something the city ought to stay out of.

Asst. Law Director Vento – If Council would like to consider whether to amend this on the floor as suggested by Councilman Langman, we could insert the language in the last line of Paragraph 3, under 909.02, where it says nuisance and, after the and, it should read, said nuisance shall be abated or said tree and then you pick up, shall be removed.

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Councilman Daly moved to amend the ordinance as stated by the Asst. Law Director. Councilman Delaney seconded.

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

Amendment passes.

Councilman T. Sustarsic moves to suspend the rules, Councilwoman Hufnagle seconded. Yeas: Unanimous.

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

Res. 118-2004 (059-04) HIP Reimbursement

A resolution to reimburse the remaining nine (9) applicants for Housing Improvement Program reimbursements. (Sponsored by Councilman Langman) (From Finance Committee with no recommendation for passage)

Councilman Langman moved for passage, Councilwoman Mancuso seconded.

Director Pietravoia – Before you tonight is a Resolution that would reimburse the nine remaining applicants that have gone as far as making improvements to their homes, having them approved under this program by the Housing Advisory Board. But by the time the work was completed, the funds had run out in the program. All applicants were advised this was essentially a first come/first serve program and it was contingent upon funding being available.

Councilman Langman has brought this forward to try to resolve the 9 remaining cases that I just mentioned that have gone as far as completing all the work. The proposal was that the dollars needed in the amount of \$10,787.00 would come out of the Clay Matthews TIF account.

Councilman Langman – First of all I would like to thank Mr. Gliha, Mr. Comiskey who is not here. They did a very fine presentation at the last Finance Committee Meeting that we had where we went over it in some detail, so I don't want to re-hash too much. This probably should have been addressed long ago. That's partially my fault. I didn't bring it forward. But I think it does serve two purposes. Number one is that it addresses these 9 folks that are outstanding and it is the fair thing to do. You're number 2, I know that many members on Council would like to see this program somehow reinstated if we could find the funds. And to do that you have to take care of the folks, at least these 9 that participated in the program before. It addresses their concerns and it also sets the stage if we can't somehow find a way to reinstate the program in the future. Thank you.

Councilman Daly – It was made clear by Mr. Comiskey that applicants were not promised the money. They were told when the projects were completed that if money was available that they would be reimbursed. In prior years if the money ran out, then those people had to wait to see if the program was refunded. So I have a problem with this on that account and also where the money is coming from. My understanding of the TIF accounts is that the money is supposed to be for projects that benefit a significant percentage of the public at large. Here we're using it to benefit just 9 specific individuals. I'm against this on those two accounts.

Councilman Gruber – Director Johnson, what's the current balance in the Clay Matthews TIF?

Director Johnson – That balance as of May 14th is \$72,582.

Councilman Gruber – That's the fund that this \$10,000 would come out of? Are there any encumbrances on the rest of that money?

Director Johnson – That's the unencumbered balance.

Councilman Delaney – Mr. Gliha how many people participated in this program and got funded and how much money was spent?

Asst. Director Gliha – If you give me a second, I believe we have the report here. The report is broken down by year. In 1996 there were 14 participants. Cost of new construction around 171,500, total rebates 154. In 1997 45, cost of new construction 586,000, rebate 52. In 1998 43, cost of construction 36580, rebate 317. So that's a total of 102 individuals '96 through '98 in that process. Then we have the other 9 people that we had not gotten to at that point in time. Let me double check for 2000. We

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had an additional 33 people participate total cost of the construction 408,122, rebate amount 35,100. And that would bring us down to the final 9 that went through the process and completed their projects.

Councilman Delaney – So in those years that's about \$1-1/2 million?

Asst. Director Gliha – Correct.

Councilman Delaney – If, I'm just doing the math if you have the totals and roughly 140 participants, 150 participants?

Asst. Director Gliha – Correct.

Councilman Delaney – So what we're, what the success of our program shows is that \$1.5 million is very significant investment in our housing stock. And what we would have to do if this program was reinstated, I think to be fair, is to make sure that we take care of these 9 individuals when it would begin again. Eventually anyway, I think, everyone's going to feel that these people participated knowing full well that, you know, that could have been what made or break their decision to invest in their homes. So it really is just 9 individuals, it's a good program. It should continue. I'm certain that our economic times are going to get better when this does find itself back in the mix. Hopefully, those 9 people will continue to live in the City and be happy. Thank you.

Councilwoman Holzheimer Gail – Asst. Director Gliha, the 9 applicants went through the process and were approved by the Housing Board.

Asst. Director Gliha – That's correct.

Councilwoman Holzheimer Gail – Did they then receive letters that said you've been approved for the program?

Asst. Director Gliha – They did receive letters. They had been approved. The final inspections were in various stages when the money ran out. In order to finally be reimbursed final inspections had to be signed off on and the money was exhausted before that time.

Councilwoman Holzheimer Gail – And that was that the cutoff. And you know, I've struggled with this mainly because of our budget situation and there's a lot of things we can spend \$10,000 on. But the previous year's funding for TIF or for this HIP program did come from the TIF account so we're not stretching by using the TIF account. I kind of feel like we extended ourselves. We gave them the approval. I think it's probably the right thing to do to reimburse them. Thank you.

President Sustarsic – And I would like too that the fact that certainly the people made a commitment and now its in the context of the matter of following up on it.

Councilman Daly – Just to clarify. I thought the money for almost all the prior years came from the General Fund and just this last year came from the TIF account.

Asst. Director Gliha – The last 75,000, which was the last year, it was eliminated from the General Fund and taken out of the Clay Matthews TIF. The Clay Matthews TIF is set up under the previous 1994 amendment which gives us a little bit broader authority on the use of those funds. And one of the basic uses of the funds is anything that would benefit the overall community. And it was determined by Council at that time that home improvements, adding value to neighborhoods and to the individual's home would indeed have an overall effect on a neighborhood and the community.

Councilman Daly – The other thing I just wanted to clarify. Did we commit to this money or did, I thought Mr. Comiskey said that the people were aware that it had to be, if money was available when they were completed. When the entire process was done, if money was still available, you would be reimbursed.

Asst. Director Gliha – What Mr. Comiskey said is correct. They were not led astray. It was first completion, first pay out. What happened was with these 9 individuals is they came very close to having their final inspections by the time we ran out of money. And they have sort of sat in a gray area for the last 2 years. And Councilman Langman brought up what he considered a resolution to this problem.
Councilman Daly – Okay, thank you.

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Councilwoman Hufnagle – So it says that reimbursements for the program were put on hold in 2002 due to financial constraints. So really, the money ran out and the people understood that. That the money ran out the program wouldn't be offered to them.

Asst. Director Gliha – That's correct.

Councilwoman Hufnagle – So we have not done this program since 2002, correct?

Asst. Director Gliha – Yes.

Councilwoman Hufnagle – Do we know, do we know since we're not offering this program what has happened in 2003 and so far in 2004 as far as people making improvements to their home?

Asst. Director Gliha – Without having the Building report or the Housing report in front of me, I really couldn't give you a specific. If you asking, do home improvements continue? Yes, they do continue. The program was originally put in effect to try to fill the gap of having a smaller house and not being able to move to a bigger house within the City so, therefore, encouraging people to really expand their current dwelling space so that they would be able to stay in the City for a longer period of time. And we were successful at that. But your standard, your standard improvements as far as new garages, you know, many small family rooms, they're going to go on regardless of whether we have the HIP program.

Once again, the biggest goal of the HIP program was to encourage additions, added bedroom space, added living space so that families would not have to move out of the City for a larger housing choice.

Councilwoman Hufnagle – We've talked about this a couple of times now and I know that it went to Committee and it's been on the Council floor before. I have not had anyone express an interest in, to me, one way or another, what to do with this program. I'm wondering if my colleagues have had interest expressed to them that they would like to see this taken care of this evening. Thank you.

Councilwoman Mancuso – Yes, in fact, I've had at least 3 of the people on here contact me with what they felt was a good faith effort. They believed in the City. They did do improvements because they did want to stay in the City. They understood the money ran out at the time and still believe in the City and would like to have some resolution to this. So at least 3 of these people, I have spoken to. I think it is a good business move on the part of the City to have a program like this. While we can't do it now, we need to at least put closure on what we did have. That way if we decide at some point in time that we have the financial strength to do something similar and we did discuss that at the Committee meeting. That people will believe in it and credibility is a very important thing in the City with each of its homeowners. And these 9 I think stand for that credibility and what the City had said it would do with its projects. They all understand that the money ran out at that time. I think we're showing them a good faith effort that we will close this component of it. And when we can do it again in whatever format, they will then believe the City will follow through.

Councilman Langman – Director Johnson, have we received our payment this year from the County yet?

Director Johnson – Yes, we have just received the first property tax settlement. I can't tell you exactly what those dollars are. I can give you an estimate of what I expect that they would be. It averages \$33,000, \$30-33,000 a year. And that's been very consistent since 2001. So we fully expect that it should be about that amount for the full year and it should be about 16,000 for the half.

Councilman Langman – Is there any consistency when the County hands over those monies?

Director Johnson – In terms of timing?

Councilman Langman – Yeah.

Director Johnson – No, it can come in any time between June and December.

Councilman Langman – Thank you, Director Johnson, and with that I'd like to make a motion that we close the debate.

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

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

Nays: Daly, Hufnagle

Passed.

119-2004 (023b-03) Wireless Antennas & Towers

An ordinance amending and adding to Chapter 1399, Wireless Communication Antennas and Towers, of the Codified Ordinances of the City of Euclid by the amendment of Subsection 1399.02, Subsection 1399.03, Subsection 1399.04, Subsection 1399.05, Subsection 1399.07 and Subsection 1399.09 and the addition of Subsections 1399.11, 1399.12, 1399.13 and 1399.14 as follows. (Sponsored by Councilpersons Mancuso and T. Sustarsic) (Recommended for passage by Planning & Zoning Commission)

Councilwoman Mancuso moved for passage; seconded by Councilman Sustarsic.

Director Pietravoia – As you heard this evening from a couple of residents that spoke, there's been a lot of work done since the last Committee meeting to make the final revisions that were requested by Council when we had our joint session with both Council and Planning and Zoning Commission members present.

We did include the revisions that were requested at that Committee meeting. We also cleaned up the formatting, the numbering and lettering and other items for that nature for consistency throughout the document. And there were probably about half a dozen specific changes that we made. I'd be happy if there are questions or if there's any needs to go through those specific items, but suffice it to say that they covered all the matters of major concern that were brought up by Council.

One in particular that I just discussed today with Councilwoman Mancuso is an item relating to the escrow that was required in the sample ordinance that was provided to us. We included a provision in 1399.07, if you look at your draft, which essentially adds the words that the, any special studies required by an independent registered engineer would have to be paid for by the applicant in advance. So we added the terminology in advance. And that works in conjunction with the next provision in the Code 1399.08, which is existing language that wasn't changed. That basically requires very clearly that the applicant is responsible for all expenses that are incurred by the City for any technical studies that are deemed necessary on a case-by-case basis. So while we didn't include a specific escrow or dollar amount, we made it clear that the applicant is responsible and that they should pay in advance.

We maintained a lot of the other provisions. We added definitions for further clarification and update the Chapter. And the most substantive change is at the very end in your draft in 1399.14, which details in Items A through X all the individual items that would have to be reported on by an applicant at the time that they make their application. And again, this was a strong provision in the sample ordinance that we incorporated in the draft that's before you this evening.

Brian's here tonight as well if there are any specific technical questions, but I think you'll see that we did cover all the concerns that Council had.

President Sustarsic – Are there any questions or comments?

Councilwoman Mancuso – I would first like to say thank you to all those that participated. It's amazing what can be done when people speak face to face. Things they put out on the table and we actually agreed to disagree and add and subtract and actually talk to each other. I think this resolution will, the amendments to this ordinance with serve us very well. I do believe we had a great deal of input from Mr. Jim Prinic, who did this. Obviously gratis, as he grew up in the City and believes what we're doing and had the expertise to help us. And I do thank Planning and Zoning also for coming to our meeting to sit and walk through this with us. And I learned a great deal that night that I had not learned before hand. So it was nice to talk to people and actually in the Committee meeting be able to hash through this so and I dare him to go through each of these item by item again tonight. But I think it is now a resolution we can live with and work with and the City will benefit from rather than losing out.

Councilwoman Holzheimer Gail – I also would like to thank those involved, especially Councilwoman Mancuso. She really kept us moving and I think her ability to stay with this has brought us to this good outcome.

I just wanted to point out a couple of things that were issues that had been brought up. The thousand feet from residential zoning is still in this ordinance. Also, I have had a question from a resident about not being, the previous ordinance stated that you could not put up a tower or antenna within a half mile from the Lake Erie shoreline. They clarified that so that an antenna could be put on an existing building. Apparently, coverage on the lake is some time tough to get so perhaps that's something that our apartments could look into. And also I think, I think it, my other, my question was 1399.14, the criteria for wireless permits. Will that be incorporated into a checklist or something that would go with the permitting process? We had discussed the possibility of putting together a, you know, one page checklist to make sure that all of the components are addressed?

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Director Pietravoia – Yes, Mr. Chairman to Councilwoman Holzheimer Gail, our next step would be to take this and turn it into an Administrative Procedure including providing a checklist when someone comes in to make an application.

Councilwoman Holzheimer Gail – Thank you very much.

President Sustarsic – Any comments, questions?

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

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

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

Passed.

Ord. 120-2004 (144-04) J.E.D. Properties, Inc. Contract

An emergency ordinance authorizing the Director of Community Services and Economic Development of the City of Euclid to execute a Personal Service Contract, for the period beginning July 1, 2004 through December 31, 2005, with J.E.D. Properties, Inc., to provide building, electrical and plumbing inspection services at the rate of Twenty-eight and 50/100 Dollars (\$28.50) per hour. (Sponsored by Mayor Cervenik by request of the CS&ED Director)

Councilman Gruber moved for passage; seconded by Councilman Sustarsic.

Director Pietravoia – This ordinance as well as the following ordinance will give us authorization to re-enter into a contract with both of our building inspectors. As you know, they've essentially gone into a retirement basis and have come back on a contractual basis with the City. Both of these gentlemen have the required licenses that as a City we need in order to maintain our certification as a full-fledged building department. If we were to lose that, we would have to go for every application that forward through the State process, which would be very cumbersome.

We just received a business friendly award and we want to maintain that. And part of that is keeping these two gentlemen on board. We did increase their hourly rate and it basically reflects we calculated what they would have received if they had stayed on board and be part of the normal union contract that they had been part of in the past. This was the best that we could do and maintain our ability to keep them on board at a reasonable rate.

We also changed the contract period to an 18-month period, which will bring us through the end of the calendar year of '05. We'd like to get these contracts on an annual calendar basis and it also coincides with the end of the current contract period for those folks that are on the union contract. So we thought that timing would be good to reconsider entering into these contracts again at the end of that period. If you have any questions, I'd be happy to respond.

Councilwoman Mancuso – I would put this to Finance Director. Was this part of our budget, did we budget this increase for these gentlemen? I know it's not a huge amount, but was that in your projections for this year?

Director Johnson – Yes, it was.

Councilwoman Mancuso – It was so we had planned at doing them at whatever the union rate was?

Director Johnson – I believe so. Mr. Gliha can answer that.

Asst. Director Gliha – When we put the budget, Mr. Chairman, Councilwoman, when we put the budget together, we did anticipate that the, especially the first contract with Jim Drobnick, we knew was up at the end of June so we anticipated that we would have to consider what the union was awarded. In doing that we also decided to sit down with Arnie Ospelt and extend his contract although his contract is not up until the end of September because we felt we needed to have the security of having both inspectors here through the end of the union contract. Therefore also, giving us another additional 18 months to continue to reorganize the Building Department if it's necessary to do so.

Councilwoman Mancuso – Thank you.

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President Sustarsic – Any comments or questions?

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

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

Ord. 121-2004 (145-04) Ospelt & Sons, Inc. Contract

An emergency ordinance authorizing the Director of Community Services and Economic Development of the City of Euclid to execute a Personal Service Contract, for the period beginning July 1, 2004 through December 31, 2005, with Ospelt & Sons, Inc. to provide plumbing inspection services at a rate of Twenty-six and 75/100 Dollars (\$26.75) per hour. (Sponsored by Mayor Cervenik at the request of the CD&ED Director)

Councilman Delaney moved for passage; seconded by Councilwoman Hufnagle.

President Sustarsic – Mr. Pietravoia, I would imagine comments are pretty similar?

Director Pietravoia – Yes, Mr. Chairman, the only thing I would add is that the number of licenses under the first ordinance were three and Mr., I'm sorry I'm still learning these, Ospelt has one license. So that's why you see a difference in the hourly rates that were offered.

President Sustarsic – Okay, any other questions or comments from Council?

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

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

Ord. 122-2004 (161-04) Calfee, Atty/Lakefront

An emergency ordinance amending Ordinance No. 129-2003 to authorize the Mayor, or his designee, to enter into an agreement with Calfee, Halter & Griswold, L.L.P. to serve as additional legal and bond counsel for the Lakefront Development Project. (Sponsored by Mayor Cervenik by request of the CS&ED Director)

Councilman Langman moved for passage; seconded by Councilman Delaney.

Councilman Pietravoia – As most members of Council know, we've been continuing our discussions with the team of consultants that we've retained to help us put together a financing package for the Harbor Town project. We realize, as we continue those discussions, that it would make sense given that we're looking at TIF bond issuance as one of the major ways of funding this project to engage our current bond counsel as an official part of that team, which is Calfee Halter, Harold Babbitt and in particular Virginia Benjamin would be the staff members that would possible in this process. This would be using the same dollars that were already set aside and encumbered for the project. There is no increase. We're trying to strengthen the team and use the parties that are most familiar with our bond situation and can help advise us on this project. So we're looking for Council's support so that we can continue to work over the summer months by adding them to the team.

Councilman Langman – I generally don't like to give attorneys more money, no offense, Director Frey. Director Pietravoia, now would Squire Sanders continue to work on their portion, the actual set up of the TIF zone?

Director Pietravoia – Yes, we still intend to keep Squire's as very active part of the team. Their primary work would be related to the legislation that would be necessary to be prepared as we move forward on the project. And there's quite an extensive amount of legislation as you'll see as we start bringing it forward.

Councilman Langman – And I think the main item here is that by bringing them on this is revenue neutral. You had already discussed payments with Squire and Sanders totaling about \$70,000 and Calfee, Halter's taking money from that for their reimbursement?

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Director Pietravoia - That's correct. The contract that we've already entered into with Squire's is not to exceed and it's on an as-needed basis. There may not even be a need to renegotiate that contract. We just use them as needed as long as we're careful not to exceed the total of \$70,000 between the two firms.

Councilman Langman – And can you give some background as to what Calfee, Halters and these individuals you mentioned have worked on as far as TIF projects.

Director Pietravoia – Yes, I'd be happy to. They have over the past 2-3 years worked on several local TIF projects. Some of which have been in the news quite extensive, such as Crocker Park in Westlake, more locally on the eastside they worked on the TIF at University Square project retail development in University Heights. They also assisted Cleveland Heights in rebuilding Zagara's Grocery Store, and that was a smaller TIF; but it was also a substantial project for the City of Cleveland Heights. And just this month, in fact, a project that I had worked on in the City of Lakewood was passed by Council, which involved a TIF, and Calfee, Halter also served as their bond counsel so they were involved in that project. It's a about 120 unit housing and commercial project on Detroit Avenue in Lakewood.

Councilman Langman – Was that the former car dealership?

Director Pietravoia – Yes, Fairchild Chevy Auto Dealership.

Councilman Langman – Thank you.

President Sustarsic – Are there any comments or questions?

Councilman Langman 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.

President Sustarsic – And at this particular time we're getting close to changing the tape so let's take a 5-minute break and we'll come back and resume.

Res. 123-2004 (154-04) Claudia Rose Appointment

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

Councilman Daly moved for passage; seconded by Councilwoman Hufnagle.

Mayor Cervenik – It was with some sadness and regret that I received Madeline Scarniench's resignation from the Board of the Euclid Animal Shelter Commission. She cited her busy schedule and some other factors that would not allow her to serve the way she feels would be a proper way to serve on that board. I think we all owe Madeline a lot of thanks for her participation not only on the Animal Shelter Commission but on many other endeavors including the Charter Review Commission that she has served on throughout the years. And I assure you that Madeline will stay very involved in our community.

She recommended and I agreed after talking with her and having an e-mail or two conversation with appointing Claudia Rose as the replacement for Madeline on this Commission. Claudia is a volunteer right now and she's been very, very active in fundraising activities and grant writing for the Commission and I believe each member on the Commission is looking forward to serving with Claudia Rose. So I presented this to you this evening and ask for your approval to appoint Claudia Rose to the Animal Shelter Commission. I'll answer any questions you may have.

President Sustarsic – Any questions or comments?

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. 124-2004 (150-04) Labor Agreement/ Clubhouse

An ordinance authorizing the Mayor to enter into a project labor agreement by and between the Cleveland Building and Construction Trades Council and its affiliates and the City of Euclid for the Briardale Greens Golf Course Clubhouse Project. (Sponsored by Mayor Cervenik and Councilman Daly)

Councilman Daly moved for passage; seconded by Councilman Gruber.

Director Frey – I'll address that, thank you. The project labor agreement, the purpose of it is to ensure good, adequate supply of labor, the good quality labor that comes from union trades to establish uniform working conditions for all the construction trades that would be required to work on a project, such as Briardale Greens. It also helps to ensure vigorous, competitive bidding by qualified contractors and perhaps, most important for a public entity, such as the City of Euclid attempting a public building project such as this, it would ensure that the project is done on time and on budget. That's the essence of a project labor agreement. The agreement is actually entered into, if approved tonight, by the Mayor with the Cleveland Building Trades Council and signed off by the various business agents or presidents of the various trades locals that make up the Cleveland Building Trades. So the unions agree that they are going to provide qualified, competent tradesmen. They agree that there will be no work stoppages even if there is a contract between that trade association, the contractor's association and that trade union during that period. They agree, by contract, that there will be no work stoppage on this job. They agree that they will assist the contractors that employ them to provide the work at a competitive price and the project will be done on time. So that's the essence of it.

I have reviewed the agreement with the Euclid City Schools and the Building Trades Council for the renovation projects at Indian Hills and Memorial School. It's a relative straightforward document contains very little more than what I've just said. It is the intention of this piece of legislation that the Mayor would be authorized to contact the Cleveland Building Trades Council, get this agreement put into place. This agreement then would become part of the bid package on the Briardale Greens Project. So it would be referenced and available to the contractors. Contractors, obviously, aware of this. This is a concept that is growing in acceptance in northeast Ohio in particular. The Morely Library Project in the City of Painesville is being built with a project labor agreement. Elyria City Hall is being built with a project labor agreement. The City of Parma, actually, has codified that they will be build any public buildings with project labor agreements unless they opt-out and they have criteria for opting out. So their preference is in every case they will do it unless they choose not to for specific reasons. We've not gone that far with this. It's specific to this project and this project alone.

Again, it would become part of the bid package that any contractor bidder for the Briardale Greens project would be subject to, would agree to abide by the conditions of the project labor agreement and have it available to them for review as part of the bid inspection process. Glad to any questions if there are any.

Councilman Daly – Director Frey, would this restrict or preclude anyone from bidding on this project?

Director Frey – It would not. The way this was written all contractors would be able to bid, but any contractor, as part of the bid package, would have to agree to adhere to the terms of the project labor agreement.

Councilman Daly – This is guaranteeing that they'll come in on time and on budget?

Director Frey – On time and on budget.

Councilman Daly – Okay, thank you.

Mayor Cervenik – I might add as Director Frey this process is becoming more and more popular with government agencies bidding and the reason it has is because they're finding out it's becoming very, very successful. The school system, Euclid Schools were very impressed with the number of bids and the quality bids that they got and the quality of work they're getting. And it's slightly different for a school system versus a city because a school system technically does not have to pay prevailing wage any longer. Whereas, our community regardless of the municipality still needs to and normally prevailing wage is very close to union wage; but this does guarantee us good, quality work and it's becoming more and more successful throughout the United States.

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Councilwoman Holzheimer Gail – Just one point of clarification, Section 3 indicates funds to pay for this expenditure derived out of the Building/Construction Fund. And I understand there's no additional cost to using the PLA that's just the bid costs that we'll incur along the way.

Director Frey – Absolutely and that probably could come out of that ordinance all together as unnecessary to that. There is no cost to enter into the project labor agreement.

President Sustarsic – So would it be necessary to make an amendment to delete this?

Director Frey – It could either be amended or could stay in there. There is no cost to this. This is merely an agreement.

President Sustarsic – Anyone have any comment on that? Mr. Daly, your hand's in the air.

Councilman Daly – No.

President Sustarsic – No? Okay. Any other comments or questions?

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

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

Ord. 125-2004 (151-04) Bids Golf Course Clubhouse

An ordinance authorizing the Mayor of the City of Euclid, or his designee, to advertise for bids and enter into contracts necessary for the Briardale Greens Golf Course Clubhouse Project. (Sponsored by Mayor Cervenik and Councilman Daly)

Councilman Daly moved for passage; seconded by Councilman Sustarsic.

Mayor Cervenik – As I explained earlier when a question was brought up, I would like to see this ordinance amended to include the reference to the presented cost estimates that we gave you this evening. And that if in fact as normal, the normal cases, the Board of Control can issue bids if they, as long as they don't exceed more than 10% of the engineer's estimates. We have agreed because there was some concern about the demolition of the building and having cost overruns that we will not move forward on the bidding process unless we reach these numbers. Unless the bids come in at or underneath these budgets. I would like someone if they could make that amendment. Thank you.

Councilwoman Holzheimer Gail moved to amend legislation to include reference to the presented cost estimates; seconded by Councilman Langman.

President Sustarsic – Mr. Law Director, do you have anything in mind?

Director Frey – Yes, I'm quickly drafting that.

President Sustarsic – No pressure.

Mayor Cervenik – Let me, while you're doing that, I would also like to add that before the awards are awarded provided they come in lower, Council will receive a written summary of the bids and specifications so that you know before the Board of Control acts so that if you have any questions about the company or the bid, anything you may have, we make sure you get that before the Board of Control does act, also.

President Sustarsic – Okay, any other comments while we wait? A moment of silence.

Director Frey – The amendment, Mr. President, would be in Section 1. The Mayor of the City of Euclid, or his designee, be in is hereby authorized and power directed to advertise for bids, enter into contracts, if the contracts do not exceed the estimate of...

Mayor Cervenik – Including the contingency 974439.

Director Frey - \$974,439.

Mayor Cervenik – And that is exclusive of the architectural fees at 7%, the bidding costs and the test of construction, which total 81,000 and those will be, the architectural fees, obviously, will be adjusted downward providing the price is down lower.

President Sustarsic – Okay, so the motion for amendment has been made and seconded. Call the roll on the amendment, please.

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

President Sustarsic – Okay, are there any closing comments or questions on that?

Councilwoman Mancuso – Could I ask before it goes to Board of Control could we, if there is something for us to look at, could we have it more than just before the meeting?

Mayor Cervenik – Yeah, I'll make sure you get it by at least noon. You'll have it at least a week before.

Councilwoman Mancuso – Thank you.

Mayor Cervenik – Okay, you're welcome. We expect to have the bids in by, I believe, by the 29th of July.

Councilwoman Mancuso – Okay.

Mayor Cervenik – And we've got a two-week period to review and tabulate and all of that and we'll make sure you all get one and answer any questions you may have.

Councilwoman Mancuso – Thank you.

Mayor Cervenik – You're welcome.

Councilman Langman – I'm still not particularly pleased with the plan, but we need to get it moving forward so I will support this legislation. Thank you.

Mayor Cervenik – Thank you.

President Sustarsic – Anybody have any questions, comments?

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

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

President Sustarsic – At this particular point in time, I will be passing the gavel and I am an employee of the next company coming up.

Ord. 126-2004 (158-04) CT Consultants Engineering

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with CT Consultants, Inc., 35000 Kaiser Court, Willoughby, Ohio 44094, for the purpose of performing routine engineering services for the year 2004. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

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

Councilman Daly moved for passage; seconded by Councilman Delaney.

Director Gulich – I think as everyone's aware for a monthly service contract we have continued to use Chagrin Valley Engineering on a monthly basis. We have been pleased with the work they've been doing for us. I think all my fellow directors would agree every time they performed a function for us it's been adequate. We were very surprised 2 weeks ago to receive a letter whereby they were turning in

their resignation on this particular monthly services contract. They cite a number of reasons. The main one of which is they felt due to a number of obligations in other communities where they have commitments they felt they were going to be unable to continue to provide the services with which we would expect. Again, we had no problem with the work they were doing. They do have some commitments to complete. They have a database to do for us. They have some obligations down at the Senior Center so on and so forth. We want to remain on good terms. We want them to finish up their work that they have been obligated to do by Council authority.

The Mayor and I quickly pulled out the presentations and reviewed them that we received 2-1/2 years ago. We did do a number of interviews. We are asking Council to allow us to award this monthly services contract to CT Consultants. They are a local firm. They've been in business since the 1920s. They set up shop here originally right in the City of Euclid. They performed all these duties for the monthly service contract in a very satisfactory manner. They've demonstrated in over 20 other communities in northeast Ohio. They go back a long time with the City of Euclid, back to when they were Frank A. Thomas, going back to the 50s, 60s and 70s when they performed the subject for us for a number of decades. And I would just like to mention that we're going to need to amend this ordinance. We have been paying Chagrin Valley Engineering \$3100 a month for this monthly services contract pretty much soup to nuts, whatever we needed a daily basis. We'll amend this to also read \$3100, I believe in the body of the ordinance, Law Director, contract...

Director Frey – Yeah, it's in the contract itself.

Mayor Cervenik – We talked with the principals of the firm last week and told them that we needed to keep the retainer at the \$3100. It is in the contract \$3500. We will have new contracts delivered and signed at 3100. We did look at another, we interviewed a couple firms. Talked with a number of people. I've just been very impressed with what CT has done for us in the Building Department and the way they stepped up this past week upon the retirement of Erik Tollerup. We will continue to monitor the work that is done by that firm and, you know, we appreciate your support. We're sort of on short notice here.

Councilman Langman – Director Gulich, if you could just briefly, what other communities have they did this particular service for, do you know offhand?

Director Gulich – Close-by Wickliffe, Willowick, Willoughby, if it starts with W, they've got it. Solon, I believe Mentor and the list goes on and on.

Councilman Langman – Okay, thank you.

President Pro-Tem Holzheimer Gail – any other questions?

Councilman Delaney – I would just like to say I have a comment. Chagrin Valley did do an extraordinary job. Their Issue 2 applications were phenomenal. They did bring us into some of the prized funding positions of funding for the State of Ohio. Euclid Sanitary Sewer, the Brandy Wine Pump Station, the Chapel Drive, E. 214th and Lakeshore, those were applications that were turned down in previous years, I believe, and not only did we get them but for the first time ever we had also no-interest loans from the County and the State. So not only that if you do visit the website, Chagrin Valley had 9 in the top 27 and they are probably one of the hardest in the State to compete with. And now we will have to compete with them so the, our new consultants certainly have their work cut out. And I'm glad that Director Gulich brought up the fact that we went through this 2 years ago and we had several committee meetings and it showed that that hard work paid off. That we did get one of the best engineering firms in the State. Thank you.

Councilman Gruber – Director Gulich, the funding for the Brandy Wine Pump Station, did we get that from their funding source?

Director Gulich – As a matter of fact, we did get a combination of grant money and 0% loan and, of course, the City has a matching portion that they're going to, that we're going to have to come up with out of our pockets.

Councilman Gruber – How much is that?

Director Gulich – I didn't bring those figures with me, I'm sorry.

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Councilman Gruber – Okay, e-mail that to me because I had some questions about that Pump Station just recently, so it'd be very good to know. Thank you.

Director Gulich – Yes, we're very concerned about that Pump Station and we did submit an emergency application. We did attempt to get emergency funds, I believe, in 19 or maybe it was 2001. We're aware that we have to address that situation up there and at long last we're going to be able to do it.

Councilman Gruber – Very good.

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

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

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

Ord. 127-2004 (152-04) Traff Pro Consultants

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a professional services agreement with Traff Pro Consultants, Inc. 28917 Euclid Ave., Wickliffe, OH, for the City of Euclid's Signal Upgrade Project. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Gulich – I think everyone's aware we have this \$2.8 million grant waiting for us with N.O.A.C.A. we've been awarded to re-signalize the rest of the City. As everyone's aware, we've been able to do the state routes with the Federal grant. What was nice about that Federal grant, it did cover all engineering costs. This N.O.A.C.A. grant does not cover engineering costs. We attempted through Issue 2 application through State of Ohio application to try and come up with the funding shortfall. Last year Council did authorize us to allow Traff Pro to do all the necessary counts that we, really honed in a number for us for intersections that we would be able to eliminate or intersections might possibly add in this portion of the re-signalization. Traff Pro at that time agreed to spread our payments over 2-year period. For this particular professional services agreement, they've agreed to extend our payments over a 3-year period. The total engineering here we're talking \$359,000. Again, this constitutes the engineering portion, which is not covered by the grant.

And real quickly, one thing this project will do it will be built with the new LED technology and it will also include a preemption for the entire City. Chief Maine may want to make a couple comments or the Fire Chief. This will allow our safety vehicles throughout the City to preempt the entire system in order to make emergency runs faster and get the ambulances to the hospital faster. This preemption will also work with neighboring preemption systems that are either online or coming online. So we'll be able to use this going out of the City catching bad guys so on and so forth or emergency runs that have to enter into our City from another city will be able to use our system, too. Having said that, I think I've covered everything if the chiefs want to add anything to that or if there's any questions.

President Sustarsic – Any comments from the chiefs? Seeing none, any questions or comments from Council?

Councilwoman Holzheimer Gail – We, is this money, will it be paid out of this year? I noticed that it's from the Capital Improvement Fund and I don't remember seeing a Capital Improvement Fund.

Mayor Cervenik – We will be paying this at a fee of \$10,000 per month so \$30,000 will come out of it this year. We don't have, so there's money in the Fund, we're doing it on a piece of legislation, by legislation request. So what you'd be authorizing tonight is the expenditure for this year's amount. Next year we'll have 300, not 360,000, 120,000 in the prior year. We asked them to spread the payments out because the total project won't be done until probably 2006 so we wanted to spread the payments along with that.

Councilwoman Holzheimer Gail – Is the 30,000 for this year in the budget currently?

Mayor Cervenik – Yes.

Councilwoman Holzheimer Gail – Okay.

Mayor Cervenik – It's in the permanent, I'm sorry, the Capital Improvement Fund.

Councilwoman Holzheimer Gail – Okay.

Mayor Cervenik – There's adequate cash balance to cover that.

Councilman Daly – It is amazing how quickly you can cross the City from one border to the other with these computerized, timed lights. The one downfall is the hour and a half wait that you meet turning left at E. 200th Street. I think if we can, it looks like we're going to be able to get from the freeway to Lakeshore in the same shortened amount of time that wait may be more bearable.

Director Gulich – Actually, we'll have one computerized system when this is all done. We'll be able to time the whole City and modify that for special events, for rush hour, for nighttime hours. We'll be able to do a lot of amazing things with this new system when we've got it all in place.

President Sustarsic – Any other comments or questions?

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

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

Ord. 128-2004 (155-04) Chagrin Safety Supply

An ordinance authorizing the Chief of Fire to purchase seventy-eight (78) pair of Pro-Warrington leather boots and eighty-nine (89) Cairns/MSA 1010 Helmets with 6" leather identification shield from Chagrin Safety Supply through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilman Gruber by request of the Fire Chief)

Councilman Gruber moved for passage; seconded by Councilman Daly.

Acting Chief Cosgriff – In November of last year the Fire Department was awarded a grant under the FEMA Assistance to Firefighter Grant program in the amount of \$120,632. This is a matching grant with 70% being the Federal portion, 30% of it being the City's portion. We requested funds to replace our aging turnout gear and to purchase new thermal imaging cameras. This is the first piece of legislation for the two, for two of the components of turnout gear.

The cost for the boots totaled \$17,238 with the City's portion being 5,171. Cost of the helmets is \$18,591; the City's portion being 5,577. For the boots we got three quotes. Chagrin Safety Supply gave us the lowest of the three quotes. They also gave us a quote that was below the State contract bid price for the helmets. Article 25 of the Collective Bargaining Agreement assigns to the City the responsibility of replacing gear when needed due to normal wear and tear or when significant improvements in the equipment have been made. Our gear is old and it's in need of replacement.

I'm asking that you pass this, which will allow us to give our firefighters an appropriate standard of protection. Thank you.

President Sustarsic – Are there any comments or questions by Council?

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

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

Ord. 129-2004 (156-04) Thermal Imaging Camera

An ordinance authorizing the Chief of Fire to purchase three (3) Evolution 5000 Thermal Imaging Cameras from Fire Force, Inc., for an amount not to exceed Twenty Seven Thousand Five Hundred Thirty Six Dollars (\$27,536.00). (Sponsored by Councilman Gruber by request of the Fire Chief)

Councilman Gruber moved for passage; seconded by Councilwoman Hufnagle.

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Acting Chief Cosgriff – Late last year the Fire Department did extensive research on thermal imaging cameras. We decided on the Evolution 5000. It's small, lightweight, compact camera that we can use and we purchased one. That was not out of the grant. This is the second component of the grant, which will allow us to buy three of them. The first one we bought we put on our Command vehicle, car 23; and the reason for putting it on that vehicle was that that vehicle responds to every structure fire. The problem is that's not usually one of the first units arriving. By buying three additional cameras, we can put one on each of our front-line fire apparatus assuring that we will have one on the scene with the initial units. This is something that we use to search for bodies in a smoke-filled atmosphere and really every second counts. So the sooner we get it on the scene the better. The City's portion of this will amount to \$8,261 and this will come out of the General Permanent Improvement Fund.

The cost of these has dropped considerably. When we first started looking at the imaging cameras, they were in somewhere in the area of \$25,000 apiece. We're going to be able to buy three of them for 27 so it's a significant improvement.

President Sustarsic – Any questions or comments?

Councilman Daly 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. 130-2004 (157-04) FEMA Grant Program – 2004

A resolution authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to apply for and enter into an agreement to accept a grant, if awarded from The Federal Emergency Management Agency's United States Fire Administration, Assistance to Firefighters Grant Program for the year 2004. (Sponsored by Councilman Gruber by request of the Fire Chief)

Councilman Gruber moved for passage; seconded by Councilwoman Mancuso.

Acting Chief Cosgriff – This is the 2004 Assistance to Firefighter Grant that we would like to apply for. The last two pieces of legislation were in regards to the 2003 Assistance to Firefighter Grant program. We are requesting funds to purchase three new Medtronic Physio-Control Lifepak 12s to replace our Lifepak 11s, which are, it's a significant improvement. I don't want to get into the details, but the American Heart Association recommends bi-phasic defibrillation. The Lifepak 12 will allow us to do that and there's a number of improvements with them also. We also would like to replace two sets of extrication equipment. Extrication equipment is commonly referred to as the Jaws of Life that refers to a particular brand, the Hearst brand. There are competing brands now. The new extrication equipment is more powerful as well as being lighter. One of our sets is 14 years old, the other set is 5 years old. This will allow us to buy two new sets with the 5-year-old set, use that as a spare. This will allow us to free trapped victims more rapidly. The total cost is a little over \$94,000 for the project with the City's portion being 28,225 if we're successful. Again, it's a 30% match.

President Sustarsic – Comments or questions?

Councilwoman Mancuso – Would this be budgeted in our 2005 budget?

Acting Chief Cosgriff – Yes.

Councilwoman Mancuso – Not 2004?

Acting Chief Cosgriff – That's correct.

Councilwoman Mancuso – And the dollars that we appropriated from the City you budgeted in your 2004 budget?

Acting Chief Cosgriff – Yes.

Councilwoman Mancuso – Okay. So we would have to make sure that we're going to budget for this for the Fire Department for 2005 otherwise you can't receive this \$94,000, correct?

Acting Chief Cosgriff – Correct.

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Councilwoman Mancuso – And what are Lifepak 12s running now for the Fire Department, do you know?

Acting Chief Cosgriff – The State contract bid price is 54,000 for the three of them.

Councilwoman Mancuso – For three?

Acting Chief Cosgriff – For three, that includes a trade-in of the Lifepak 11s of \$3600, again, for all three.

Councilwoman Mancuso – Thank you.

President Sustarsic – Any other comments or questions?

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

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

Ord. 131-2004 (146-04) /05 Senior Snow Plowing Program

An ordinance authorizing, empowering and directing the Director of Public Service of the City of Euclid to institute a Senior Snow Plowing Program for not more than 600 residents who are age 65 or older or disabled for the winter season 2004/2005. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

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

Director Gulich – I think everyone up here is familiar with our Senior Snow Plowing Program. Again, it's the first day of summer; but we have to think these things now. And again, we're offering this to our qualified seniors first and then we'll open it up to everyone else. Of course, we're not providing 50% of the cost anymore. The participant is providing 100% of the cost, and again, we're able to tender a very good price. I can't recall last year's price off the top of my head. I would imagine Mr. Pietravoia might have that or some additional comments. Again, once we go out for bids, get into a contract their department is very instrumental in the successful administration of this annual contract. So if Mr. Pietravoia has any additional comments?

Director Pietravoia – No.

President Sustarsic – Okay, any questions, comments? Nothing? Okay.

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

Councilman Daly 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. 132-2004 (147-040) Extend Cargill Salt Contract

An ordinance authorizing the Director of Public Service of the City of Euclid to extend the existing contract with Cargill Salt, 24950 Country Club Boulevard, Suite 450, North Olmsted, Ohio 44070, for one year, from November 1, 2004 to October 31, 2005, for the City's requirements of salt. (Sponsored by Councilman t. Sustarsic by request of the Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Gulich – Again, it's the first day of summer and I'm thinking of salt already. What I'm asking Council to do is extend the existing contract with Cargill. I have talked with Cargill. I've had them in my office. They want to hang on to their current contracts, their larger contracts. Even though the price of fuel is up 50%, their cost of hauling is up considerably for a number of reasons, higher costs, they are making this offer to us at the same price per ton for an additional year. And those numbers are \$34.95

per ton, if they pile it in our shed; if they dump it outside, that's \$32.45 a ton. I checked with a number of consortiums. The largest consortium in the State is the State consortium. Because they have a number of downsides, I kind of worked out real quick. If we would have got their bid price, which is a little less than \$2 a ton less last year, we would have saved about \$18,000. They are required to go out for bids due to State law each and every year. So their price may go up. We're expecting that it will.

Again, the consortium does have some down sides. Our particular contract calls for 24-hour delivery. They are required within 24 hours of our call to deliver salt. With most consortiums, including the State's consortium, there is a 7-day delivery time. So obviously, that's a benefit to the supplier. We don't have the facilities to hold salt and very bad conditions for 7 consecutive day. So that's a, something we can't deal with in bad weather. I'm asking that Council extend this existing contract at this price with Cargill.

President Sustarsic – Any comment? Any questions?

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

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

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

Ord. 133-2004 (148-040 Bid-Police/Jail/Sr. Ctr. Cleaning

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into contracts after advertising for bids and obtaining City Council approval for the cleaning of the Police Station, Jail and new Senior Center for the year 2005. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

Councilwoman Hufnagle moved for passage; seconded by Councilman Langman.

Director Gulich – This ordinance does look a little different from the one you saw last year, which included the Police Station and City Hall that we're sitting in. I think everyone's aware we did not fulfill the terms of the contract for the cleaning of the City Hall portion. It was about \$24,000. Rather than that, we took part in the State program whereby we can use a senior who is paid by the State that wants to return to the workforce. That program is available to us. Currently, we have a person performing that function in this building now at no cost to us. What I'm asking Council here tonight is to allow us to go out for bids for the cleaning of the Police Station and the Jail as per the wishes of the Chief. And we're going to bypass this building again, we found a way to clean it that we're happy with.

We're looking at that same system for the new Senior Center up the street. We do have a \$4 million building there. It's going to be beautiful when it's done. I think everyone that's seen it is very impressed. I think we should take very good care of our buildings and I would like to get a price to get this building professionally cleaned and maintained right out of the box. Obviously, we can supplement that with the State worker or with a Building Maintenance worker; but I would like the ability to get a price and see what it would cost for the professional maintenance of that building. Keep it nice for our seniors.

President Sustarsic – Any questions? Any comments?

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

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

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

Ord. 134-2004 (149-04) Bids-Uniforms 2005 & 2006

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for uniforms for the years 2005 and 2006. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

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Councilman Sustarsic moved for passage; seconded by Councilwoman Hufnagle.

Director Gulich – As per our agreement with the various unions for our various departments in the City, we are responsible for providing uniforms. We make it a single contract for the various bargaining units. It's something we're required to do and we're asking for the ability to go out for bids, enter into the contract for the years 2005, 2006.

President Sustarsic – Any comments? Any questions?

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

Councilman Daly 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. 135-2004 (159-04) 2004 Water System Improvements

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with Michael Benza & Associates, Inc., 6860 West Snowville Road, Brecksville, Ohio 44141, for the 2004 Water System Improvements. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

Councilman Gruber moved for passage; seconded by Councilman Sustarsic

Director Gulich – Back in 1997 Council authorized a system-wide study to be done by Michael Benza & Associates of the needs of our water system. He came up with a plan. He came up with a way to finance it. Part of that plan called for a revisitation of our priorities after 5 years, which Council did authorize last year. What we're asking Council to do is approve the 2004 revised needs of the City and, of course, we do have the Waterline Fund and that's where all funds will go to pay for these well-needed improvements in our water system.

President Sustarsic – Any questions or comments?

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

Councilwoman Hufnagle 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. 136-2004 (167-04) S Corporation Tax

An emergency ordinance providing for the submission to the Electorate of the question of whether the City of Euclid shall continue to tax an S Corporation as allowed by the current municipal tax ordinance and regulations. (Sponsored by Mayor Cervenik)

Councilman Daly moved for passage; seconded by Councilwoman Hufnagle.

Director Johnson – As you probably read in your summary from the Law Director, in, I don't know what year, House Bill 127 was passed, which essentially put a sunset of December 31, 2004 on our ability to collect income tax from individual partners of Sub-chapter S Corporations. Without putting this option on the ballot for residents to vote on, as of December 31, 2004, we would no longer be able to tax the income that goes to the partners of such Sub-chapter S Corporation. This is only limited to Sub-chapter S Corporations.

I don't know if you're familiar with sub-chapter corporations, but all businesses are operated as either a sole proprietorship, a partnership or corporation. There's certain advantages and tax advantages to every form of business. A sub-chapter S corporation allows individual partners to be, to have the protections of a corporation but to be taxed as a partnership, which means that they're taxed on their individual shares of that net income. So if we have residents here that are owners of such sub-chapter S

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corporations without the electorate approving this referendum on the ballot, we would no longer be able to tax incomes after December 31, 2004. Be glad to answer your questions.

President Sustarsic – Any questions or comments? Everyone got that? Okay.

Councilman Delaney – Would this absolutely have to go on the ballot or could it be an ordinance by Council?

Director Johnson – It has to go on the ballot. The Law Director could probably explain that.

Director Frey – It is part of the legislative act. It actually lays out the language that has to be used and the form of it. So, no, it cannot continue on as a taxable commodity in the City without the vote of the electorate.

Councilman Delaney – Thank you.

President Sustarsic – Any other questions or comments?

Councilman Sustarsic – Putting this on the ballot, what do we have to do to educate the people so they understand what an S corporation is. I mean, I'm sure the Average Joe really doesn't, wouldn't know what an S corporation is unless you're...

Director Johnson – I think the message that we wanted to get out is that everyone that's a resident should pay their fair share of income tax.

Councilman Sustarsic – Any other comments or questions?

Councilman Daly – Just a comment, you want people to pay their fair share, but not a penny more.

Mayor Cervenik – Not a penny more.

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

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

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

COMMITTEE OF THE WHOLE – PUBLIC PORTION

Councilman Delaney moved to go into the Committee of the Whole – Public Portion; seconded by Councilwoman Mancuso. Yeas: Unanimous.

Mr. Dennis Berzinskas – 20890 S. Lakeshore Blvd. I'm sure if you've driven around the streets of Euclid you've seen some of the conditions, the gutters, the catch basins. People aren't cleaning them out. I think we need a blurb on Channel 21 and Channel 23 to run continuously all summer. We need to clean our catch basins in front of our houses and around our houses. Not to let the weeds grow on our curbs area and even though you're not cutting the grass the weeds are still growing. You still have to tend after the weeds. Maybe people should realize their last highest section of their lawn mower adjustment should be used this time of year to help shade their grass so your grass won't grow weeds.

The other thing, we had a finance meeting a few weeks ago and I got here late. But what we were talking about was the homes that we have in Euclid that are abandoned. You know, the City of Euclid was the home of codes, housing codes. Why can't we got after these predatory lenders? When you can't afford a home, you can't afford a home. No means no not maybe. We've got to do something about it. Don't give people false hope that they can afford to buy a home but not keep it up. I'm not saying that somebody that's a house for years and they get older, I'm saying brand new going in and buying a home. We'd alleviate some of these 40+ homes that we have in the City that are abandoned. This is crime to me that we haven't done anything about it yet.

The other thing, the Golf Course, we're talking about the Golf Course. You have a weather vane on top of the other building that's there right now. I want to see it taken down for safekeeping. Something like that is worth a lot of money. We had at the Henn House two lion heads. One disappeared, one the City took down for safekeeping. We can't find it. We've had problems. You know, something like that

should go somewhere on a new, on a building in the City not destroyed or found on a scrap heap because it is worth a lot of money.

And talking about the Clubhouse new design, anybody's that eaten, gone to a Bob Evan's Restaurant can see where they got their plans from. They just took the center section out.

Well, I guess that's about it. But the Clubhouse, we've got a grand clubhouse Hank said. Let's hope they don't rent it out like they did the last clubhouse. They open the door and they walk away. You have to have somebody there on site. We know the Henn Mansion. We have the hostess there or a host to watch what's going on because people being people can and will damage things. So if you do rent it out, make sure there's somebody there to watch out for it for our money. We all have a stake in this City.

You should start doing something about the weeds that are growing. The City looks terrible this way. We did something when we had a garbage collection company that wasn't doing their job. We don't want to have garbage in the streets in front of people's houses. It really looks bad. Thank you.

Mr. Tod Guntner – 390 E. 257. First of all, I'd like to give you new hours for the Animal Shelter. They are from 11 a.m. to 4 p.m. Tuesday through Saturday. That adds an hour each day. We will continue to be open Thursday evenings from 6-8.

We will be having an anniversary party of our grand re-opening of the Animal Shelter and this will be on July 17th from 11 a.m. to 4 p.m. This is moved up a week. Last year we had it on, I think it was the 26th. The St. Robert's Fair is that next weekend and we did not want to conflict with that. Stay tuned to ECTV and check our website www.euclidpetpals.org for more information.

We are also planning a fundraiser rummage sale. This will be August 14th and 15th from 11-4 p.m. And this is done late in the season so it also does not conflict with other rummage sales and other fundraisers from other groups in June and July. Donations are accepted during business hours until August 7th.

We have found another fundraising program to raise funds for the Shelter. It is called Cash for Critters. You can help Euclid Pet Pals and the earth. Please bring your empty ink jet and laser cartridges to the shelter for recycling. We can get cash for these cartridges. The only manufacturer that is not accepted is Epson or any manufacturer makes Epson cartridges. Almost everything else is about a 6-page list at 8 point type or if we can get them. So if there's any businesses, residents, corporations out there and you're piling up your cartridges from your PCs, please donate to the Animal Shelter. We can normally get for your basic ones a dollar or \$2 each and maybe more. I've seen some \$5, 6, 10 cartridges. So please give us a hand. We greatly appreciate it.

I'd just like to wish everybody a safe and happy summer. Thank you very much.

Mr. William Hilf – 891 E. 237th St. 216-731-5793. First off, I'm here tonight to give a plug for Upstage Players and talk about our summer show, our collection of one-act plays to which we have entitled Upstage Unleashed. This is our fourth year of doing our summer show and this year we're doing something a bit different. The last three years we performed solely in front of Shore and this year, with the cooperation of the four Ward Councilpersons and the Parks and Rec. Department we're taking the show on the road. And we'll be performing Friday, July 16th at 7 p.m. in front of Shore in Surveyor's Triangle; Saturday, July 17th at 2 p.m. at Glenbrook; 7 p.m. that Saturday at Willo Park and then Sunday, July 18th, 2 p.m. at Upson and then Sunday at 5 o'clock at Sims Park. This will be the most shows we've ever done in the summer and the first time we've taken them on the road and on behalf of my fellow directors we'd like to thank the Councilpersons and Parks and Rec. for all their cooperation in this production of ours. It's a cast of 13-18 year olds that are doing four comedic one-act plays.

The other things I'd like to talk about tonight as a Shore tenant and as someone who's interested in Shore is over the last couple meetings we've seen Council and the Administration passing legislation and resolutions to accept Federal money and Federal grants. And that reminded me of the fact that a couple years ago, the City applied for money, Federal transportation money, for Shore to rehab Shore and we didn't get it. And I recall at Councilman Delaney's chaired meeting regarding Shore the question was posed to the Administration by Councilman Hufnagle that has the City reapplied for this money? And the answer given was no. And unfortunately, there wasn't a follow-up question by anybody at the meeting that went why not? So I want to know why aren't we applying for this money? I mean, the other comment was made, you know, regarding the Knuth Center that we can't save every historical building and then if we're going to maybe we should start at Shore. And I would agree and I think we should be going after this Federal money. That every time it's available we should know. We should have an application in and if we don't get it, we should find out why and then resubmit a new application the next time. We should be going after every Federal dollar we can which brings me to my third topic of the night, which shows you exactly how the Federal and State government treat the City of Euclid.

And that goes to the newspaper today with the State of Ohio cutting the funding for our full-day kindergarten. And this just goes to show you how much the State Representatives and State Senate

really care about cities, especially those of us that are larger urban cities. The fact that they decide at the last minute they're going to cut funding, you know, as they call it disadvantage children. The Federal government and the State government mandate tests, mandate that cities, like Euclid, have test scores, have to provide things to their students and that we have to get certain scores or we're considered to be, you know, failures and then they don't, you know, provide the money to make it happen. This is another example of it. And this was done by our State leadership and I say to you that are up here that or are in the same political party as the majority of our State leadership and this was the State Senate that possibly you call your representatives that you have contacts with within your party and tell them this is unacceptable. Dr. Jones, our School Administration and our teachers are working hard. And if you saw the scores in the paper overall, they improved over the last year. And you see what they're doing. They came to us and asked us to reopen the school buildings. We voted for it with a promise of full day kindergarten. And they're going to go through with it, but the State isn't holding up their end of the bargain on this. And we should be fighting and we should be angry about this. And I think this Council, I've seen you pass resolutions against the things the State has done before, we need to fight this because this is our future. Thank you.

President Sustarsic – Do we have any more questions or comments from the audience?

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

COUNCILMEN'S COMMENTS

Councilwoman Hufnagle – I would just like to commend the Parks and Recreation Department for the first week of the pools being open. The pools I visited, everything was well and I'd like to commend you on that. I know what a big job that is. And I would just like to say watch out for the kids during the summer and wish everyone a healthy, happy summer. Thank you.

Councilman Langman – I think Mr. Hilf's comments were well taken. It sometimes seems like the State is working against what older communities and urban centers are trying to do. It is very disappointing. I will see what I can do with our State Representatives to protest this particular action.

Now in the spirit of fairness and unbiased dialog with the sexes, I want to wish a belated Happy Father's Day to my father, Floyd, and all the Euclid dads and have a good summer.

Councilwoman Mancuso – I had the privilege to be at the Euclid Landmark designations this past Thursday at the Henn Mansion where we actually got to see the history of seven different sites here within Euclid, which I found absolutely fascinating. It's amazing what's gone on before any of us were ever here. It was well run, well attended and I think the people who actually own some of these homes, while they weren't coming there to be recognized, I think, really did enjoy the fact that people got to learn a little bit more about the land that they live on. I found it absolutely fascinating and I am not a history buff so it was kind of nice to hear about parts of the City that I have drive by and thought were beautiful had no idea what they involved. And on that note because I'm ready to go home, I wish everybody a happy, productive summer. Watch the budget. Keep the numbers where they're supposed to be and, hopefully, we don't have a lot of special meetings. Good night.

Councilman Sustarsic – I just want to wish everybody a safe and healthy summer. Enjoy yourself. I'm looking forward to it and there's a lot of festivals and a lot of good things going on in this City and I look forward to seeing a lot of the residents out there. So be seeing you. Thanks.

President Sustarsic – I'd like to send a thanks to Erik Tollerup, too, for everything he was able to do for the City, spruce up the housing and building and everything else like that. I'd like to give congratulations to Ron Petkovic. No pressure, but I know you'll do very, very well.

I'd like to congratulate the rookies on Council. You made it through your first term of your initial term on Council and I look forward to working with you the next 2/3. We have a lot of work cut out for us and I think we're definitely a City on the move, a lot of ideas and a lot of the things we worked successfully with the Administration. That's all I have to say. Again, have a very safe summer and attend as many events and meet your neighbors.

Councilman Daly – A couple of quick things, I'd like to congratulate the Euclid Boys' League. They had their tournament over the weekend and it was fun being in Memorial Park and all the visitors from out of town and it was a beehive of activity. And there was a lot of good baseball so that was fun to see and fun to be a part of. I attended a golf outing on Thursday and for those that do enjoy golf Briardale is in excellent condition. I don't, I can't remember it being better than it is currently. It is just beautiful right now and very, very challenging.

And last I'd like to throw some kudos out to Mr. Fred Nastalski. I sponsor the softball team that he coaches or manages. Euclid's only had fast-pitch softball for two years now and we entered a team in a All Star Tournament and they finished in the top 10. One win away from being in the Final Four and against all star teams so he's to be congratulated along with all the kids on that team. So things are looking up. Have a good summer.

Councilman Delaney – Just happy, safe summer to everyone. Thanks.

Councilman Gruber – Even though we won't be having Council meetings we're still on the job so please feel free to contact us with your questions, concerns and complaints. I would also like to give a tip of the hat to Erik Tollerup, who did an excellent job. I knew Erik when I was the Housing and Environmental person for the Indian Hills Association before I was on Council and he was always fair and fast and he will be missed and I know that we have an excellent person filling his shoes with Mr. Petkovic. And I look forward to working with you.

A couple of the folks up here one of the gentlemen asked about the City applying for grants for Shore. I believe we have a grant writer over in Shore. I think that was the position that the fellow was filling in for so maybe we'll check with him and see how they're doing.

And also for Director Frey, while we're off for the summer, I have an ordinance, a sample ordinance from the City of Cleveland Heights prohibiting predatory loans that maybe you might want to review if you don't already have a copy of that. And we can talk about that a little bit later on and that's about it. I wish everybody a happy and safe summer. Take care.

Councilwoman Holzheimer Gail – I will just encourage everyone to get out and use our pools and parks and all the activities that the Rec. Department's putting on and have a nice summer.

Mayor Cervenik – If I may, two items, one, your piece of legislation, we do have that. We had made some modifications. We have not presented it to Council mainly for the reason that that legislation and others similar to it are being challenged in Court as to their constitutionality. As soon as we see how the cases go, we will definitely do what we can for predatory lending. In the meantime, we hope to come up with some type of educational program for our seniors and other people that get taken in by predatory lenders. Education some times works better than legislation.

And also as far as applying for grants at Shore, I've got to talk with Mr. Gezan. We're going to meet within the next few weeks and I'm anxious to see what he has. Hopefully, we'll be in a position to show the Shore Cultural Board what their intentions are. At that time we'll know financially what needs to be done and that would be the appropriate time to apply for grants. This Administration never turns down money as long as that money's being used for, to put us in the direction we want to go, we're always looking for. As the Fire Department showed tonight, we've got, we're always looking for money that's being offered to us for programs. So we'll look into that. I just want to wish everybody a very happy and healthy summer and don't be strangers.

President Sustarsic – Here it is almost quarter after 10, 27, 28 items on the agenda. We thought we'd all be here tomorrow, but I think we did that pretty well.

ADJOURNMENT

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

RECESS

Councilman Gruber moved to recess for summer. Councilman Langman seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council