

**COUNCIL MINUTES
SEPTEMBER 7, 2004**

A regular Council Meeting was held on Tuesday, September 7, 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, Fire Chief Cosgriff, Police Chief Maine, Housing Manager Petkovic, Zoning Commissioner Torowski, Clerk of Council Cahill.

Invocation was given by Fr. James Klein, Associate Pastor of St. William's Church.

LIQUOR PERMIT

Councilwoman Hufnagle moved to receive and approve without objection a request for a D5, D6 liquor permit from Jearolds to 3030 Bourbon Street DBA 27801 Euclid Ave. Lower Level. Councilman Delaney seconded. Roll Call: Yeas: Unanimous.

Councilwoman Hufnagle moved to receive and approve without objection a request for the transfer of a C1, C2, D6 Liquor Permit for the Convenient Food Mart at 719 Babbitt Rd. Councilman Gruber seconded. Roll Call: Yeas: Unanimous.

COMMUNICATIONS

Council has received the following communications:

A letter from the Cuyahoga County Board of Health regarding an update of the status of Raccoon Rabies in Northeast Ohio.

Euclid Landmark Commission's Annual Report for 2003-2004

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

COUNCIL MINUTES

Councilman Gruber moved to approve the Council Minutes of June 21, 2004. Councilman T. Sustarsic seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – Welcome back. Welcome to all Council people and all the members of the audience and our residents. It is good to see all of you here. I hope you enjoyed your summer. We have a number of Resolutions and announcements to make here. I'm going to make the first one, probably one of the most important ones. We have a Resolution for the family of Jerry Zovko.

Mayor Cervenik presented Res. 49-2004 to the Family of Jerry Zovko.

Mayor Cervenik administered the Oath of Office to Thomas Cooke for being appointed to the Architectural Review Board.

Mayor Cervenik presented Res. 137-2004 to Geoffrey Carter for his many years of distinguished service with the Euclid Parks & Recreation Department.

Mayor Cervenik presented Res. 139-2004 to Linda Taylor Knight, principal of the Indian Hills Elementary School.

Mayor Cervenik presented Res. 140-2004 to Kenneth M. Ferlito, principal of Memorial Park Elementary School.

Mayor Cervenik presented Res. 138-2004 to Fred Owen for his many years of distinguished service with the Euclid Parks & Recreation Department.

Mayor Cervenik announced the new Fire Chief, Thomas Cosgriff.

Mayor Cervenik introduced the Zoning Commissioner, Andy Torowski.

Mayor Cervenik announced the Library will be having a book signing by Robert Smith.

Chief Maine – On October 9th, the Euclid PAL is having their Annual Nite at the Races. It will be at Tizzano's Party Center. It is a major fundraiser that we have PAL. It is for a worthy effort. We've had a pretty good turnout and a lot of fun there in years past. I just wanted to get the word out right away so people could start planning and put that date aside. I have tickets if anyone would like to go.

With the proliferation of Scams that have been coming over the e-mail and through telephone, I thought it was good to give a public announcement on the things that are out there and again remind our citizens, especially our elderly citizens to please, if you receive any sort of solicitation through over the phones or on e-mail, to please check with your financial institution or anybody else that is the legitimate holder of your accounts and credit cards. Just today I received three phony e-mails from CitiBank myself saying that they were going to terminate my account if I didn't give them the financial information they were looking. It is important that people realize these are Scams and they shouldn't respond to them in any manner and certainly don't give them any sort of information. If you have any questions about these types of things, please give the Police Department a call or call the financial institution themselves. They do not reach out to people in this way. They send you very professional letters and not in anyway that is going to jeopardize your personal information. Just thought it was important to mention that again.

Director Gulich – Right up the street at 1 Bliss Lane, we're putting the finishing touches on the new senior center. From now on end, we have a name for it besides the new senior center. That is the Euclid Lakefront Community Center. We will be open October 4th. We are proud to say we've worked together, the Directors and myself to ensure that this is going to a smooth change for the seniors. We have a new beautiful building down there. I think all of Council has had a chance to see it. If you haven't seen it lately, please get down there. It is going to be open to the public after October 4th. I'd encourage anyone out there in the City to come down there and take a look at the beautiful building we have there and the facilities for our residents.

Our intentions are to have a rental plan together shortly and we will have the facility available for rental after January 1st.

Director Will – On behalf of the entire Parks & Recreation Department staff, we'd like to thank everyone for a great summer. We had a lot of fun with all our sports programs, with the swimming program. Again thank you to everyone who participated in them. We appreciate that. But an extra-special thanks to all the people who volunteered their time to assist us with our programming. Our Department would never ever make it without you and thank you. Also thank you to all the residents for being very patient with us as we were trying our best to maintain the facilities and the properties the best that we could.

One of the exciting things for the Parks & Recreation Dept. is all summer we were getting ready for the 2004-2005 Ice Arena Season. We opened the doors today and beginning next week, we'll be having public sessions on Tuesday, Thursday and Friday evenings and Sunday afternoon. I hope you have a chance to go over to the ice arena and see the improvements. The lighting that Honeywell did, it's a totally, totally different facility. When you walk in, it is as bright as ever. It looks wonderful. We also made some other capital improvements to the skate change room, to the locker rooms. Again if you have a moment, go ahead and take a look at it and we look forward to working with you during the Fall. Thank you.

Mayor Cervenik – That completes communications from the Administration. Only that I should have told you sooner, #2, Ord. (170-04) is being pulled. We do not want that on the Agenda. I had some discussions with the soon-to-be Chief of Fire and he has convinced me of the importance of that position for the well-being and safety of our residents and our Fire Dept. Therefore I want that item at this time pulled.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Fire Report of April, May, June & July 2004; Humane Officer's Report of June & July, 2004; Recreation Commission Minutes of 5/25/04 & 7/27/04; Board of Control Min. of 6/14/04; 6/21/04; 6/28/04; 7/6/04; 7/12/04; 7/19/04; 7/26/04; 8/2/04; 8/9/04; 8/16/04; 8/23/04. Councilwoman Mancuso seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

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

President Sustarsic – Item #1 will be going into Executive Committee, #2 is Pulled. #3 will be going into Committee as well. It is the intent to waive the three readings for #13, so there would be a vote on that this evening. Second Reading on #14 will stand. #15 will be going to Planning & Zoning. Any comments relating to those particular issues, act accordingly.

Mr. Mike DiDomenico – 24770 Farringdon Ave. First item I wanted to speak on tonight is #6, (176-04), which is an ordinance establishing and implementing a program to charge a user fee for the deployment of the Fire Department equipment and staff to the scene of a motor vehicle accident and for such services as provided by the City of Euclid.

I would be urging a no vote on this. I feel this user fee is just another tax. It is one that you don't even get an option on. If you get into an accident and someone else calls, the Fire Dept. will come because it is a standard operating procedure as a safety measure.

I already pay a high income tax. My income tax pays for services. I feel that any user fees for any services, whatever they maybe down the road coming up and this one, should be voted against. I'm a firefighter in another community and I know Cleveland talked about doing this same thing with having services for car accidents. It's something that you don't even get a choice on. Just like you wouldn't get a choice on having your garbage picked up or water running off your house, you don't get a choice. Why do you have to pay for these if you don't get a choice on them?

I was against, a few years ago, when we started the fee for ambulance service. I came to the microphone and urged a no vote on that. That passed. You can look up in the minutes and see I was against that. I'm still against that. I feel again that's something that you pay for in your taxes and should be there. If this is like the ambulance service where it only gets charged to your insurance company, well then, the insurance companies aren't dumb, they're going to start raising everybody's fees to cover this. It is going to be paid for by everybody, one way or another.

The other item I wish to talk about and I wish there was more clarification on here, but there's not. Item #8, Ord. (174-04) an emergency ordinance to levy assessment for the removal of dangerous/hazardous trees provided by Section 909.02 of the Codified Ordinances of the City of Euclid. I don't know who is going to decide what a dangerous or hazardous tree is, but if there's a tree on my property that's dangerous or hazardous it is already my responsibility to pay for it and remove it. If its on city property, the tree lawn, it's not on my property and if its hazardous, why should I have to pay for it?

Should there be a wind storm or some act of God that takes down a whole bunch of trees, the big storm we had in 1993 or 1995, I don't recall, the City has to remove those anyway, but you can recoup that money from the State or the Federal Government because if a State of Emergency has been declared, you can get your money back. This is something else, it is just another user fee and I don't see any reason for tacking on user fees.

Every time you tack on another user fee, all you do is encourage the people who have the money to pay for any fees to look at our city and say this is getting to expensive, I'm moving somewhere where it is cheaper. Then you end up with people who don't have the money to pay for anything that are stuck, and they are here and they can't pay the fees and you don't get any money anyway. You can't get water from a rock, you can't get money from poor people. Every time you pass a fee, a user fee, all you are doing is telling the people that got the money, move out of Euclid or you are encouraging people that maybe looking at Euclid to not move here because it is to expensive. Thank you.

Mrs. Rebecca Conway – 291 E. 276 St. Question on #6, Ord. (176-04). Talk to the Police Chief today and I thought you had said that it was going into Committee, is it not at this point?

Mayor Cervenik – We intend to have the consultant that has been doing this type of work come and give a full presentation to Council after he's had more discussion with the Fire Chief.

Mrs. Conway – So there's no vote on this tonight?

Mayor Cervenik – No ma'am.

President Sustarsic – It will be in the Safety Committee.

Mrs. Conway – Then I'll save my questions, thank you.

Mr. Tom Cooke – 25641 Edgecliff. #6, just a question, you have here, an ordinance establishing and implementing a program to charge a user fee for the deployment of fire department equipment and staff to the scene of a motor vehicle accident and for such services provided by the City of

Euclid. Do you have a definition of such services provided by the City of Euclid? Do you have a definition of that? What additional services are we going to be charging for as this reads?

Director Frey – The services that will be charged for will be the deployment of the equipment and personnel.

Mr. Cooke – Of the Fire Department?

Director Frey – Yes.

Mr. Cooke – Strictly the Fire?

Director Frey – Yes.

Mr. Cooke – I'm just reading that to also include other services that are just not defined or quantified there. Long and short of it, my opinion is, plain and simple, these costs should not be born by the community as a whole. This is no different than mandatory car insurance. You have to have car insurance in order to drive a car in order to protect yourself in the event of an accident. You also should be liable for the costs involved in an accident that you may incur yourself or someone else may incur. Coast Guard already has a program like this on the East Coast going right now. It is inevitable, it is going to happen.

Regarding Items 9, 10, 11, one common element in all of those items is the safety and security of the people of Euclid and the security of Euclid's personal property and the business enterprise of the City of Euclid. I am in favor of passage of items 9, 10 and 11. The common element is that no one will move to the City of Euclid regardless of how good the school system is. Regardless of tax incentives whether they be for private enterprise or for a person's own personal homes unless they feel safe and secure in the City. I can only believe that the passage of these ordinances and resolutions will add to and strengthen an already strong safety and security force. Thank you.

Mr. Matt Sarver – 26550 Shoreview. Just a quick question on #3, that is going into committee I believe you said?

President Sustarsic – Yes.

Mr. Sarver – I'm just wondering, what committee would that be going into?

President Sustarsic – I would probably suggest the Executive Committee whereas all council members would be there.

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

LEGISLATION

Ord. (179-04) Executive Com.

An emergency ordinance setting the compensation to be paid City of Euclid personnel other than employees of a collective bargaining unit and municipal court personnel and rescinding Ordinance 227-1996 and 288-1998 and all amendments thereto, and all other legislative enactments or administrative directives inconsistent hereto, and enacting in lieu thereof the within ordinance to be known and cited as the 2004 CONSOLIDATED COMPENSATION ORDINANCE. (Sponsored by Mayor Cervenik)

Councilwoman Hufnagle moved for passage, Councilman Gruber seconded.

Mayor Cervenik – I believe you received two e-mails from me, one informing you of this legislation and the other one was a copy of the memo that was sent to the employees early this morning of my intent to what I feel is greatly increase the contributions that our employees will be paying in the future for our hospitalization. We will be increasing deductibles, drug deductibles, will be increasing office deductibles. Also doing such items as reducing the amount of sick time, unused sick time hours that you get paid for on retirement. Currently the City of Euclid pays up to 1200 hours at full pay. My proposal will reduce that to the State minimum of 30 days pay which normally is about 240 hours.

All of these changes as you saw from the memo, I would like to see pushed in during a 4 year series so that we have to be reasonable to the employees so that they absorb a little bit each year. Also because I need to be asking all of our bargaining units to do the same and to follow this same course of action. Its very easy to make a change like this and immediately put everything on the non-union help, but I need the cooperation of all 10 of our bargaining units so that they too can be on this schedule.

Most of the numbers from the schedule I gave you came from the SERB, they do a survey every year, the State Employee Retirement Board. The Relations Board does a survey every year of various governmental agencies as to what co-pays are, what family contributions are, deductibles and we've patterned it around that. There's other items in there that would change who's eligible for hospitalization, whether a spouse is eligible.

What I would like to see happen here is have this go into whatever Committee either Finance or Executive Committee, whatever you feel is appropriate Mr. President, but I would really like to discuss this issue before the end of September. We had planned on having budget hearings the last week in September. After talking with the Finance Director because of some of things we have here, we'll probably will hold off on budget hearings until early October which is still quite earlier than normal. We need to get these kinds of items taken care of as well as some of the other cost saving measures we need to propose.

I've received some e-mails, I've received some telephone calls, some people are telling me we are still not doing enough, others are telling me we do to much. That's a chance for us to discuss this. But as the memo I sent out last week, I believe the savings are estimated in the fourth year at somewhere around \$1.3 million. That does not include the savings on the sick pay payouts. I think this is very significant legislation. I think it's a long time coming. Mr. Chairman I thoroughly hope we can have a discussion on this in the next couple of weeks in Committee.

President Sustarsic – As we've all looked at it briefly, it is very extensive, it covers a lot of areas. There were some additional addendums that came out pursuant to it. I think its time to bring the government into the 21st Century as opposed to what we have been doing in the past. But at the same time, get a little discouraged on behalf of the non-union workers in the City that are just as dedicated as everyone else. And it's true, they do seem to take the initial hit but hopefully with agreements with the various departments and agents we can make it a little bit more equitable and help the City as a whole. Are there any other comments, this will be going into the Executive Committee.

Councilman T. Sustarsic moved Ord. (179-04) into the Executive Committee. Councilwoman Holzheimer Gail seconded. Roll Call: Yeas: Unanimous.
Into Executive Committee.

Ord. (170-04) Asst. Fire Chief Position

An emergency ordinance abolishing the position of Assistant Chief of the City of Euclid Fire Department. (Sponsored by Mayor Cervenik)

Ordinance (170-04) has been Pulled by the sponsor, Mayor Cervenik.

Councilwoman Mancuso – Could we have an explanation or a little better overview of the health package when we go into Committee. Could we bring Rosanne or somebody in.

Mayor Cervenik – Yes, we'll have Glenn Szanna here, we'll have our consultant here.

Councilwoman Mancuso – I've been trying since May to get a better idea of this health care package and have not been able to do so yet. That would be very helpful, not just for me but for all members.

Mayor Cervenik – Why don't you come in and see me ahead of time.

Councilwoman Mancuso – Sure, in my spare time.

Mayor Cervenik – And I'll have some spare time for you too.

Councilwoman Mancuso – Between 5 AM and ...

Mayor Cervenik – We can do that. I'm good at breakfast.

Councilwoman Mancuso – Between 2 AM and 5 AM, I'm free.

Mayor Cervenik – That's a little tough.

Councilwoman Mancuso – That's it, I have to sleep sometime. That would be very helpful I think to all of us.

Ord. (180-04) Health Care Benefits Employees

An ordinance discontinuing health care benefits for all members of City Council effective December 1, 2005. (Sponsored by Councilpersons Daly, Gruber, Hufnagle)

Councilman Daly moved for passage, Councilman Langman seconded.

Mayor Cervenik – I'm willing to defer to Councilman Daly who is one of the sponsors of this legislation.

Councilman Daly – The three sponsors met over the summer on a number of occasions and we also met with Director Johnson and our main mission was to review the Jefferson Wells study that the City commissioned on ways of reducing our General Fund expenditures. So one of the first items that we decided to try to implement was their suggestions that affected Council itself. We would like to move this to Executive Committee since the City Charter only allows a window of 150 days before filing up to 30 days. We can discuss this, but approval can't be made, I understand, until that period of time. I would like to make a motion unless other sponsors have comments.

Councilman Daly moved Ord. (180-04) into the Executive Committee. Councilman Gruber seconded.

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

Councilwoman Mancuso – In our June Meeting, and I maybe confused, I thought we could not even have this on the Agenda for 150 days before hand. Did I misunderstand that?

Director Frey – You did not misunderstand Mrs. Mancuso. You can't act on this. This could not be enacted until 150 days from the filing deadline to 30 days prior. So it won't go into effect until the new term of Council, December 1, 2005. Your options tonight are to send this matter to Committee until it can sit until an appropriate time for which Council can act. Or, the Council members sponsoring it can withdraw it.

Councilwoman Mancuso – I for one, want things in Committee that we are going to discuss in a timely manner and not sit. I would move that we don't address this and we bring it up at the appropriate time and then if it needs to go to Committee, put it there. To me this is no action in a Committee that is going to do nothing for a period of time.

President Sustarsic – There is already a motion on the floor and we are in the middle of a vote.

Roll Call: continuation

Yeas: T. Sustarsic, J. Sustarsic

Nays: Langman, Mancuso

Ord. (180-04) Placed into Executive Committee.

Ord. 142-2004 (169-04) Police Vehicle Auction

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to sell at a public auction five equipped police vehicles and four non-outfitted police vehicles no longer needed by the City of Euclid as shown on the attachment. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

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

Director Gulich – Each year I come to you requesting the authorization to add a auction of public vehicles and other equipment no longer needed by the City. We still intend on doing that regular auction. What we are asking for here is a special auction for the sole purpose of discarding police vehicles that are no longer needed by the City. Most of them have well in excess of over 100,000 miles. What we have here is equipped vehicles that have the police-stuff on them. We can't sell

those to the general public. We can't sell those to other government agencies. We can't sell those to qualified agencies who could turn them over to other governments. We feel the time and effort spent de-commissioning these cars to make them non-police cars and getting pennies on the dollar for the equipment we spent quite a bit for, is probably not the best route to go. We are asking for is a special auction which will only have qualified vendors invited to it that can purchase a police car that's deck-out. I don't believe we are including any of the firearms, correct Chief? Just the light bar and other items that normally we would have to throw away or get pennies on the dollar for. It is stuff we can't sell to the general public. I've asked for it to be an emergency ordinance, because we want to have this auction in less than 30 days and I will be coming back at you, probably at the next Council Meeting for the regular legislation for all the rest of the items that will go into the regular city auction.

President Sustarsic – Just out of curiosity where do these vehicles usually go? Maybe smaller municipalities?

Director Gulich – I understand they end up all over the world. They could end up in a Third World Country, they could end up in a small municipalities. There are private security firms that are capable of reusing this equipment. The Chief won't let anything go that is of any value to us.

Councilman Langman – I don't see anywhere in the legislation where it designates where the proceeds would go? It's not appropriated in this legislation.

Director Gulich – I was anticipating that question and I could refer to the Law Director but any time we sell anything, the money goes back into the General Fund.

Councilman Langman – We don't have to specify that in the legislation?

Director Frey – We have to specify expenditures. This being a revenue, it will go into the General Fund.

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

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

Passed.

Ord. 143-2004 (177-04) Salt Brine System

An ordinance authorizing the Director of Public Service of the City of Euclid to purchase a PENGWYN Automatic Salt Brine Production System for use by the Streets Snow Removal Department. The vehicle will be purchased through the State of Ohio Cooperative Purchasing Program for an amount not to exceed \$19,430.04 from Pengwyn, 2550 West Fifth Avenue, Columbus, Ohio. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

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

Director Gulich – Earlier this Spring I came to you requesting legislation which you graciously passed allowing me the possibility of purchasing brine water that would come from wells in the ground. I told you there was a number of concerns of getting a purified product and getting enough of that product for when we would need it. I have not gotten those assurances from the people that vend this particular product, so what I'm asking for is the ability to go out and purchase through the State Co-op a brine production system. I'll ask for an amendment on the floor to change the word vehicle to Brine Production System.

What this System will do is actually make the brine for us. We will use tap water. We will use salt that we would get from our regular purchase contract, Cargill Salt. We won't have any environmental concerns I told you about. We will probably be able to actually make this brine material for about .05 to .7 cents a gallon. We anticipate being able to use it in many cases where we would normally use calcium chloride or magnesium chloride. Those are items we're presently paying between .60 to .80 cents a gallon for.

As I told you, salt brine is not a cure-all. It is a helpful measure and we'll be able to be proactive in instances where we weren't before. We'll be able to vastly cut down on the calcium chloride and magnesium chloride we've had to purchase in the past.

I'm anticipating that in purchasing this production system that we will probably see in savings a cost of salt and magnesium and calcium chloride consumption. I hope I make that fairly clear.

We will actually manufacture this right on site. I've checked into the ODOT system that they have been using for 3 years. They have been in the process of perfecting this equipment at the PENGWYN people. And it's a purchase we can make right from our existing budget. We do have a line item in there for the purchase of salt and these related items. I would ask Council to support this piece of legislation.

President Sustarsic – So we'll have the salt in addition to this?

Director Gulich – Yes, and we will use our existing equipment that normally puts out the calcium chloride or magnesium chloride. We're anticipating only having to modify one existing vehicle that normally we wouldn't be using in the wintertime. That's what we would use to do the pre-salting in instances where it is beneficial.

President Sustarsic – According to the Farmer's Almanac, this is coming at a very good time because I guess we're supposed to get hit pretty good this year.

Councilwoman Holzheimer Gail – This is coming from the State Highway Funds which also pays for salt and other chemicals we use. You are anticipating this \$19,430 we will see in savings?

Director Gulich – What I'm hoping for is it won't snow at all and it will sit there all winter, but I don't think that will happen. There is a learning curve. The people at ODOT have been using this. We've attended some of their public forums. We've had heard from various municipalities, they've informed us of some of the mistakes they made early on in the process with their dispensing equipment that we'll be able to avoid. I'd say the worst the winter is, the more of a savings we'll realize. I anticipate we can recoup these costs the first year.

Councilwoman Holzheimer Gail – This is something that will last for several years?

Director Gulich – Yes, stainless-steel, it will last, it won't rot away.

Councilwoman Holzheimer Gail – I would like to amend the legislation. I think vehicle is only in there once that I see it at the top paragraph. Amend Vehicle to System. Also in the third paragraph. Councilman T. Sustarsic seconded.

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

Amendment passes.

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

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

Passed.

Ord. (176-04) User Fee for Fire Dept.

An ordinance establishing and implementing a program to charge a user fee for the deployment of Fire Department equipment and staff to the scene of motor vehicle accidents and for such services provided by the City of Euclid. (Sponsored by Councilman Gruber)

Councilman Gruber moved for passage, Councilwoman Hufnagle seconded.

Councilman Gruber moved to place Ord. (176-04) into Safety Committee. Councilwoman Mancuso seconded.

Councilman Delaney – Motor vehicle accidents, Chief, does an ambulance automatically get dispatched with the fire apparatus?

Chief Cosgriff – Typically the way it works is someone calls dispatch and says there is a motor vehicle accident. Usually the truck goes along with the squad. Usually they are being sent because there are injuries. A lot of times if there is somebody trapped in a car, a truck will go. Of if there's gasoline leaking out, they'll go for a wash-down. Typically the squads go and the trucks go to assist them.

Councilman Delaney – We did just raise our fees on ambulance runs last year. Fortunately for me I have an insurance man sitting next to me and he had confirmed to me earlier that because we live in Cuyahoga County we pay more insurance premiums. This is something to carefully consider because other communities may start to do it and once again as we compete for residents and we try to get people to move into Cuyahoga County, this is something that discourages them. At first when I saw it, I can understand and appreciate it's a way to find a new tax, a new revenue stream to bring more money into the city. But it does seem to be like a redundant service since we do tack a good fee onto the ambulance runs. Since it is going to committee, it is something a little food for thought when we do bring it up in the Safety Committee.

Councilman Gruber – Chief, if the squad responds and you do not get transported, you are not charged, correct?

Chief Cosgriff – That's correct. The squad does charge no matter who they transport and they charge for the level of service they provide.

Councilman Langman – Mayor you mentioned that a consultant will come in and do a presentation. Could you tell us who that would be?

Mayor Cervenik – Mr. Glen Goodpaster. He will come in and discuss with us. One of the things, this project was brought up, this subject was brought that it was just going to cost insurance companies and the rates are going up. A lot of these programs will say that the fact that the City of Euclid has a very good responsive Fire Dept. that can extricate somebody from a vehicle very quickly can actually save an insurance company a tremendous amount of money and therefore there is some justification for these charges and it is not necessarily double taxation.

Council has asked us to look at every single item we can to raise funds, this is one of them. A comment was made tonight that you can't squeeze money or water out of stone. We'll we've squeezed some money out of brine and we hope to squeeze a little money out of here. We are trying to save \$5,000 or \$10,000 anywhere we can. I'm just asking that we have an open mind. This gentleman has been very successful in his program. I believe the City of Cleveland is beginning this, the City of Brooklyn is beginning it. Cincinnati. It is just something we need to look at. If we can pick up some additional cost savings through this, it needs to be done.

Councilman Langman – I would not disagree that its worthy of a look. I'm just curious is the consultant specifically for this program or is he looking at other?

Mayor Cervenik – He may do some other things, but right now our discussion with him has been specifically the vehicle response, Fire Dept. response to accidents outside of the normal EMS service.

Councilwoman Mancuso – How are we paying this consultant? From what fund?

Mayor Cervenik – I haven't paid him yet. We haven't hired him yet. If you hire him, then we will pay him to do his work. He will come and talk about his program.

Councilwoman Mancuso – Is he the only person?

Mayor Cervenik – There maybe others. I read a number of articles about this program, talked to a number of communities that are doing this program. There's been 5-6 articles in the paper over the past 6-8 months. He's the person in Ohio that has been always mentioned. So I thought we would do that. If Council hears what he has to say and we determine there are other companies maybe we'll do it, that's fine, we can have them all in.

Councilwoman Mancuso – Can we get the information before the Committee Meeting so we can review it before the committee meeting?

Mayor Cervenik – You most certainly can.

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

Ord. 144-2004 (171-04) Bids/Turnout Gear - Fire

An ordinance authorizing the Chief of Fire of the City of Euclid to advertise for bids and enter into a contract for the purchase of turnout gear for the Fire Department.(Sponsor Councilman Gruber by request of Fire Chief)

Councilman Gruber moved for passage, Councilwoman Mancuso seconded.

Councilman Gruber – I will defer to the Chief in a moment, but I'm happy to sponsor this legislation for the safety, health and welfare of the citizens of Euclid.

Chief Cosgriff – This is last piece of legislation from our 2003-2004 FEMA assistance to firefighter grant. The turnout gear which consists of a coat and bunker pants is a little bit different than the helmets and boots and cameras that we also bought. We had to put a committee together to specify the particular shell that we use. The vapor barrier and the thermal insulating properties that we were looking for in that gear.

We are going to try and buy about 70 sets of it. The funds for this are going to be coming out of the Permanent Improvement Fund. The City is responsible for 30% of the total. The federal government paying the other 70%.

Councilman T. Sustarsic – Is that going to be enough for all the firefighters?

Chief Cosgriff – It will be enough for all the firefighters that need to have their gear replaced.

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

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

Ord. 145-2004 (174-04) Assess Trees

An emergency ordinance to levy assessments for the removal of dangerous/hazardous trees as provided in Section 909.02 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Daly by request of Parks & Recreation Director)

Councilman Daly moved for passage, Councilman Langman seconded.

Director Will – To clarify a question and concern that Mr. DiDomenico had, he stated that he believed that this was going to be an user fee that was added. What is this is just a house-cleaning issue. We receive calls from the residents on a daily basis on trees that are beginning to be in a dangerous or hazardous condition. Once we receive the call we record and our City Arborist goes out and takes a look at the tree. If it is determined to be hazardous or dangerous, on private property that affects the right-of-way, then it is the homeowner's responsibility to take that down.

We try to work with every homeowner to be able to pay for that. On most, 90% of the time, the homeowner pays that fee on their own. But if they can't, then as it states in our current ordinance, the City is responsible for hiring the contractor and removing the tree. At that point we then send a bill to the homeowner and if in 30 days, the payment is not made, we need to pay the contractor. We do still try to work with the homeowner and try to get them to send in the payments. We'll work with payment plans with people. Typically we have about 50 calls and this happens throughout the year.

Unfortunately there are 1 or 2 residents that can't afford to pay it. This ordinance will give our Finance Director the authorization to levy assessment on an individual's taxes. Hopefully that clarifies it a little bit more. If you have any other questions, I'll be glad to try to answer them.

Councilman Daly – Do you know what tree or trees it is on the property? There are some large ones in the front but extremely large one in the back?

Director Will – To give you the exact location of the tree, I don't have that in front of me. However, the tree has been cut down already. The tree has been cut down.

Councilman Langman – Our last session we made some amendments to the whole process. Did this particular property owner fall under that revised ordinance? Or did they fall under the old rules and regulations?

Director Will – This tree was on private property, however it did affect the right-of-way. We needed to move on this and get this down.

Councilman Langman – Like I said, in the last session of Council, we passed legislation modifying how we approached such matters.

Director Will – Had this tree not been in the right-of-way, then we wouldn't have gotten involved in that. But no it is still affected by the ordinance because of the way we changed it, it took responsibility off the city if it was still affecting the public right-of-way and this did.

Councilman Langman – Did it affect the sidewalk or street? Both or what?

Director Will – It affected the sidewalk.

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

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

Passed.

Ord. 146-2004 (175-04) Police Recording System

An ordinance authorizing the Chief of Police to purchase a Digital Communications Recording System from Stephen Campbell & Associates for an amount not to exceed \$24,595.00 through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilman Gruber by request of the Police Chief)

Councilman Gruber moved for passage, Councilwoman Hufnagle seconded.

Chief Maine – Our present recording equipment is over 8 years old. When we bought it was state-of-the-art. Its outlived its usefulness for us and we have the opportunity for relatively modest cost to provide a recording system that will record all our telephone calls 9-1-1 as well as non-emergency, some administrative lines, as well as our radio communications.

This will come in out of the Law Enforcement Trust Account so there's no impact upon the General Fund or the Capital Improvement. This will help us immensely in trying to track those phone calls and radio transmissions that are so important to our city. I'd urge for approval.

Councilwoman Mancuso – You said administrative calls. Administrative calls in the Police Dept.? Or administrative calls over all?

Chief Maine – Calls that come into the administration.

Councilwoman Mancuso – City administration.

Chief Maine – No, Police Dept. administration.

Councilwoman Holzheimer Gail – Just out of curiosity, do you know the balance in the Law Enforcement Trust Fund?

Chief Maine – I couldn't give you to the penny, but I believe its in excess of \$100,000.

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

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

Res. 147-2004 (168-04) DARE Grants

A resolution authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to apply for funding from the D.A.R.E. Grants Program through the office of the Attorney General of Ohio for 2004-2005. (Sponsored by Councilman Gruber by request of the Police Chief)

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

Councilman Gruber – I know that Council supports the DARE program and I'll defer this to the Chief.

Chief Maine – For about since the early 90's the police department of the city has been offering the DARE program in the Euclid City Schools as well as the parochial schools. The Attorney General has historically offered a series of grants to Police Departments and cities that offer this program. The money is used to help offset the salary of the officer. This year we anticipate the amount will be a little over \$13,000. It generally increases a couple hundred dollars a year. As long as 2001 it was a little over \$12,000. Since this is an important program, one we would like to offer again this year to the school children in the city, I would urge passage of this resolution.

Councilwoman Hufnagle – Does this officer only work on DARE?

Chief Maine – In our city, we have enough kids in the parochial and public schools that's his, essentially his only duties except during the summertime when he's assigned to the patrol division.

Councilwoman Hufnagle – Now that we've added two new elementary schools, I'm assuming he's been able to work that into the schedule?

Chief Maine- That's correct.

Councilwoman Hufnagle – Do the schools help pay for this at all?

Chief Maine – Pay for the DARE officer? No they do not.

Councilwoman Hufnagle – Are the Schools supportive of this?

Chief Maine – Very much so. In any communications that I've had with any of the school teachers, as well as the Administration, Supt. Jones, as well as Mr. Stanic before him, they've always been very supportive of this program and feel it is very beneficial.

Councilwoman Hufnagle – Particularly to this evening, to being on the Agenda, have you received any communication from the School system asking for continued support of this program?

Chief Maine – I have not.

Councilman Langman – Just for the folks at home that are watching, how many years now in a row have we received the DARE grant?

Chief Maine – I believe we started teaching DARE in the early 90's, 1992 or 1993 something like that.

Councilman Langman – So it has been over a decade now. Could you brag a little bit about the success of the program?

Chief Maine – The studies that have been done on DARE and programs similar to that have been split about 50/50 on their effectiveness. All I can do is speak anecdotally from the feedback that we get from the people who have been impacted by the DARE program in Euclid. It has been very, very positive. My feeling is if you can affect positively 10-20 kids in each class than its been well worthwhile. I know that Officer Bonchak who is our full time DARE officer, he's a fantastic DARE instructor. He has received accolades from every school teacher and kids that have been exposed to him. He's so well thought of that he's up for a possible recognition as DARE officer of the year for the State of Ohio. I think that says a lot for his abilities and this program.

Councilman Langman – The Euclid Police Dept. doesn't necessarily track outcomes. Does the Attorney General's Office, do they track outcomes?

Chief Maine – That's something I can't answer.

Mayor Cervenik – I've had the pleasure of being at both the public school and the parochial school DARE graduations. You can see just being there for that hour that the kids are learning. They are learning to control their violence, their tempers. They are learning to keep their hands to

themselves. They are taught and you can tell by the way they behave and the skits they do with those programs that they know not to abuse themselves with drugs and alcohol and other things like that. Officer Bonchak has really got a knack with these kids. The program needs to continue. Ms. Hufnagle was asking about the School's participation. As a matter of fact, except for the \$13,000 grant we pay for this officer's salary completely. It is our commitment to our students. We also have two other full time police men, one at the High School and one at the Middle School and we pay 100% of their salaries. In addition, as you know, we've reinstated the school guard program to the tune of \$78,000. So we've got \$250,000 or more in personnel from the general fund committed to the safety and education of our children. I certainly hope we are able to continue to do that.

Councilwoman Holzheimer Gail – The matching funds that are used, I'm assuming we can utilize existing operational funds or do we need to pledge additional money?

Chief Maine – No, you don't have to pledge any additional money.

Councilwoman Hufnagle – A question to what the Mayor had to say. We have two middle schools now, so do we have an officer at both of the schools?

Chief Maine – We just have the one officer at Central.

Councilwoman Hufnagle – We do not have an officer at Forest Park?

Chief Maine – No.

Councilwoman Hufnagle – Because on opening day I saw an officer there.

Chief Maine – We have some community policing officers who each have a school assigned to them as part of the community policing. It is like an adopt-a-school program, but they are not full-time.

Councilwoman Hufnagle – Is that something we need to look at? If Central needs it does Forest Park?

Chief Maine – I can tell you right now, I don't have the personnel to assign full time an officer to Forest Park right now.

Councilwoman Hufnagle – I'm assuming our officers are there because the Schools want them there? They see the need for it?

Chief Maine – We certainly receive support from the School anytime we can provide some presence. A small part of their duties is enforcement. A lot of it is in relationship building, and role modeling and that sort of thing. I have had not any conversations with Forest Park administration regarding the need for a full time officer in their school at this point.

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

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

Passed.

Res. 148-2004 (183-04) Law Enforce Block Grant

A resolution authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to accept a Local Law Enforcement Block Grant from the Bureau of Justice Assistance (BJA), U.S. Department of Justice, in the amount of \$12,206.00 for the year 2005. (Sponsored by Councilman Gruber by request of Police Chief)

Councilman Gruber moved for passage, Councilman Delaney seconded.

Councilman Gruber – These funds will help the community policing efforts for our neighborhoods and I'd like to turn this over to the Chief.

Chief Maine – For a number of years now we've received Local Law Enforcement Block Grant Funds for efforts and equipment that we've used in our community policing. This fund like most federal funds have been depleted at least in recent years. I can tell you that as recently as 2001 the

City received a little over \$43,000. This year we will be receiving \$12,206. Of that, \$12,021 is the City's share. In year's past we have used these funds for the purchase of police cars in addition to the overtime. Obviously \$12,000 is not going to pay for a police car. So its our grant application simply for overtime to help fund the community policing activities that are going on in our target area, mostly on the south-side of town but also on the north side. To continue those efforts, I would ask you to support this. It is a relatively small amount of money for important projects going on.

Councilwoman Mancuso – Have we gotten this every year since 2001, this grant?

Chief Maine – We started receiving it before 2001. I just went back a few years to show you have the money had ...

Councilwoman Mancuso – 2002, 2003.

Councilwoman Mancuso moved to close debate, Councilman Langman seconded. Yeas: Unanimous.

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

Passed.

Res. 149-2004 (172-04) Willo Arms Sign

A resolution authorizing the Mayor of the City of Euclid to enter into an agreement with Royal American Group for the placement of a directional sign for the Willo Arms Apartments on the public right-of-way on the northeast corner of East 276th Street and Euclid Avenue. (Sponsored by Councilwoman Hufnagle)

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

Councilwoman Hufnagle – I would encourage Council to support this effort this evening. This sign was actually there and had been there previously for a number of years. It was vandalized and when Willo Arms went to replace it, we realized that we needed to come up with a new agreement for them to do that. Willo Arms is a very good neighbor to the City and they need some advertisement on Euclid Avenue. I would encourage Council's support.

Councilman Gruber – I would like to have my name added to this legislation as well. Willo Arms is a real benefit to the community, both is Ward 4 and Ward 3.

Councilman Delaney – Royal American had expressed some interest of doing a bigger monument sign that would have landscaping around it. Is this the sign that they were after?

Director Pietravoia – It is my understanding they would like to replace this sign at the same size and same location that it was previously. I believe it was probably not the sign you were thinking of.

Councilman Delaney – Hopefully there'll be room for improvement in the future because I believe this one was run down by a truck. If a truck hits this sign, it might happen again. Hopefully that's more to come.

Councilman Delaney moved to close debate, Councilman T. Sustarsic seconded. Yeas: Unanimous.

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

Passed.

Res. 150-2004 (173-04) UDE Jesus House

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 Francis Akin Tella, Pastor of Jesus House to allow a UR-2 (Church) use in a U-5 (Commercial) Use District at 1465 Dille Road, P.P. #646-29-014. (Sponsored by Planning & Zoning Commission)

Councilman Gruber moved for passage, Councilwoman Hufnagle seconded.

Councilman Gruber – As the Councilman of where this is taking place, that the Church has been a good neighbor of the community. There's been no reports of any type of difficulties. They've done improvement to the building and they are good neighbor. On those grounds I would like to waive the readings please.

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

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

Three Readings Waived.

President Sustarsic – Based upon that and based upon the vote, this could be considered a public hearing. Any comments by the administration on this?

Director Pietravoia – Our Zoning Commissioner Andy Torowski has prepared some comments and a report for Council on this matter. I'll turn it over to Andy.

Commissioner Torowski – Pastor Tella of Jesus House has applied for a Use District Exception to allow a U-R2 Church use in a U-5 Commercial use district. This is the second time this matter has been brought before Council. The first time Council met and denied.

The applicants have proceeded with an administrative appeal in the Cuyahoga County Court of Common Pleas, although action on this appeal has not been taken pending the outcome of this meeting. This matter has been brought back to Planning & Zoning due to the expiration of the first application. The application was also made modifications to the original Use District Exception application. The Use District Exception will be limited to a two year term which then would come back to Council for an additional two years. Secondly a reduced number of capacity from 300 to 200 has been stated by the applicant.

Planning & Zoning has approved this to Council. I believe the members involved are in the audience so the members of Council can ask any questions.

Councilwoman Hufnagle – This is a different agreement than what was before us the last time in that we have a two year agreement now. If this Church leaves within that two year time frame, can another church come in there? If they can, does the two year time period start over or have the remainder of the two year time period?

Commissioner Torowski – I believe that they would have to re-file for a Use District Exception.

Councilwoman Hufnagle – The last time we discussed this at Council, Mr. Apanasewicz stated there were some measures that the Building Code required before the building could be occupied. I would just like to know is the building, are we able to occupy the building now according to our standards?

Director Pietravoia – Upon the issuance of the Certificate of Occupancy or prior to the issuance of a permanent Certificate of Occupancy, we will make sure that they are complying with all the building code requirements that were brought up by Mr. Apanasewicz.

Councilwoman Holzheimer Gail – Has this group been meeting in this building since the request was denied?

Director Pietravoia – Yes as Councilman Gruber stated, they have been in the building pending the appeal that's before the Court system and the outcome of this current case that's before you tonight.

Councilwoman Holzheimer Gail – I would question that being a good neighbor then. Since Council did deny this initial request. If the request was denied, is there not a process that needs to be followed before they can use the building?

Director Frey – They took an appeal, an administrative appeal to the Court of Common Pleas. I discussed the matter with counsel representing this particular church. We did issue a citation for use of the facility inconsistent with the existing zoning. I agreed as a matter of accommodating with counsel that we would withhold enforcement of that pending review by Planning & Zoning and then City Council on the matter. They did seek permission, if you will, through discussion with me.

Councilwoman Holzheimer Gail – Has there been a Certificate of Occupancy granted then?

Director Frey – My understanding and Director Pietravoia may correct me, I thought that they had applied and received that Occupancy permit.

Director Pietravoia – The permanent occupancy permit will not be issued until the matter is acted on by Council. They did not get a permanent certificate of occupancy.

Councilwoman Holzheimer Gail – So we would need to make sure the building issues have been addressed?

Director Pietravoia – Correct.

Councilwoman Holzheimer Gail – Did I read this write that they are only asking for 60% of the building?

Director Pietravoia – Correct.

Councilwoman Holzheimer Gail – Director Frey, would you lend us your legal advice as to the pending suit and does this, the impact that this has on that, do we need to look at them together, are they separate issues?

Director Frey – The pending appeal in Common Pleas Court, we agreed with the appellant, the Church, and the Court's permission to set a briefing schedule on that which would allow Council here tonight to consider the matter. If Council approves the Use District Exception, I would expect they will dismiss their action. Are they tied together? Sure. We've had that discussion.

Councilwoman Holzheimer Gail – Because they do not own the building, the building owner continues to pay tax on the building despite the fact that 60% is occupied by a church? Is that correct?

Director Pietravoia – That's correct.

Councilman Langman – Law Director Frey, you indicated that the Church would probably drop their action if we approved this this evening. In your opinion, if we come back in 2 years and that Council says well we don't want to continue with that. How does that impact on Section 2? Would they take us back to Court or would they keep their action going now to protect their rights?

Director Frey – They're not going to keep the action going, or would the Court permit a matter to sit idle on the docket for that period of time. If they felt at that point they were deprived of a right to use of the building, they could file an action then.

Councilman Langman – What I'm driving at is this is in here, it sounds like if that Council decides they want to rescind then they will take us back to court.

Director Frey – I don't know that they would do that. You know, my hope is by 2 years they've found a permanent location for their congregation. The object here was to give them a limited period of time if the Council now and the Council in 2 years, the opportunity to review that conditional use. They agreed to that as a way to both monitor the situation without granting any kind of permanent conditional use of the facility and yet still give them time to find a permanent home.

This Council action is subject to administrative review just as the action previously was subject and subjected to administrative review. In 2 years if Council were to review that and the party felt that they were aggrieved by the Council's decision, they certainly, again, would have the ability for administrative review. That's not going to change unless Ohio changes its laws.

Councilman Langman – So what we do tonight will have a big impact on that Council's decision when this comes up again.

Director Frey – It doesn't bind Council in 2 years. It resolves this matter before this Council. In 2 years they would have to come back to Council if they wanted to continue to use the facility as a church and seek a renewal of this conditional use.

And if at that time, Council said yes, obviously, they're going to go forward if they still have a use for the facility. And if not, you know, they'll decide then if they're going to seek review in Common Pleas.

Councilman Langman – But in all probability if we approve this, this evening and there's legal action taken then since this Council approves it we really have no legal basis for that Council to turn around and say no.

Director Frey – I would respectfully disagree with that opinion and the facts may change in 2 years. Perhaps if the congregation size is 200 today and in 2 years the congregation size is 400, that may not be an appropriate building at that point. That would be a factor that I think would alter the equation. If something happened where they had not, insufficient parking, you know, that could be a factor that could alter the equation. So I think that's premature to suggest that we're binding ourselves for 4 years with what we do tonight.

What we're attempting and approaching it in this manner was not to give an unreasonably long period for a conditional use and yet allow the church to have some sense that they could be there for a period of time while they seek out a permanent home. That was the effort.

Councilman Langman – Thank you.

Councilwoman Mancuso – Since the last time this came before us, the significant changes are we went to a 2-year period and they have agreed to a lesser membership. Have they done anything with the building? Have they fulfilled any of the things we wanted done with the building? Has any of that come forward as it sits in front of us today?

Director Pietravoia – Those were some of the primary concerns that both Planning & Zoning and Council had in the previous round with this request. So they've address the primary concerns, which were the size of the congregation, sufficient parking for that size congregation and the amount of time they would actually occupy the building.

Councilman Gruber had indicated that they, for the time they've been in the building, he has not had any complaints and they've operated in a reasonable fashion.

Councilman Gruber – The owner of the property is here if anyone has questions for him.

President Sustarsic – Well, what I was going to suggest is that if no one has any other questions or comments from Council.

Councilman Delaney – At the Planning & Zoning meeting were there any neighbors that were against it? Did anyone come and oppose it?

Commissioner Torowski – No, none were there.

Councilman Delaney – Thank you very much.

President Sustarsic – All right, so based on that if we could open this up to the public now, in particular have the owner of the property come up and address any questions or make any additional comments. That would be this microphone over here, please. Thank you and if you could give your name and address please.

Mr. Gary Bauer – 8596 Palomino Trail, Kirtland Ohio. I'm the owner of the building. I don't have any comments. Does anybody have any questions?

President Sustarsic – Are there any other questions from Council?

Councilwoman Holzheimer Gail – I wonder if you could just, I guess, repeat again if there's been any improvements made to the building since this was before us last time?

Mr. Bauer – Yes, they've done some improvements on the outside as far as removing some railroad ties and putting in some brick landscaping and on the inside they've carpeted the whole building and set up an altar, chairs and that's about it.

President Sustarsic – Any other questions or comments? Okay.

Councilwoman Holzheimer Gail – I have a question before we close debate. I just wanted clarification. I think I heard Mr. Torowski say that the Use District Exception, this Use District Exception is granted for 2 years. If this particular church vacates the property prior to those 2 years, the Use District Exception continues but still has the 2-year timeframe or did you say the Use District Exception goes away? I thought it stayed with the property unless new owners, I just wanted clarification on that point.

Director Pietravoia – It's my understanding that your interpretation is correct. That a Use District Exception does go with the property not with a tenant or an owner. It stays with the property. There is a 6-month period; however, that if the current church vacated and it stayed vacated for 6 months or longer, that Use District Exception would no longer be in place. But the maximum would be for the 2-year period.

Councilwoman Holzheimer Gail – Okay, thank you. I just, initially I, you know, I'm not, my concern is that we're going to get, you know, using churches in storefront and commercial spaces. And I have discussed with Director Pietravoia my concerns and we are going to be, hopefully, in the near future addressing our Zoning Code as it relates to that. Given the fact that this is a Use District Exception, that time is limited; that the tenants have not created any problems in the area; although, I don't particularly appreciate the fact that they ignored our previous ruling; and that the property will continue to be revenue producing for the City, they will continue to pay taxes on the entire building. I'm willing to give them, give them my blessing going forward.

President Sustarsic – All right, any other comments or questions?

Councilwoman Mancuso – So they will continue to pay taxes even though we do this exception on the entire building?

Director Pietravoia – This is a commercial property that's being leased for profit, for rent so it'll be taxed as it normally would be.

Councilwoman Mancuso – Thank you.

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

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

Res. (165-04) UDE Zigman – 26110 Euclid Avenue

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)

Second Reading.

Ord. (178-04) Vacate Miller Avenue

An ordinance to vacate Miller Avenue in its entirety from the western end of East 223rd Street to the eastern end of East 222nd Street. (Sponsored by Councilpersons Delaney and Hufnagle)

Councilman Delaney moved for passage; seconded by Councilwoman Hufnagle.

Councilman Delaney – This is the vacation of short Miller Avenue next to Panini's, in between Panini's and Corner Beverage. It's a very exciting project. Panini's has, has been very successful in their new residence there. They've done a great deal of work. They have a master plan in store that would include a patio, renovation of the basement facilities, but right now, they have a nice problem, which is there's so many people that want to go there, they don't have enough parking.

I believe that Hank Gulich can tell us that the traffic studies have been done. This is going to be referred back to Planning & Zoning for more consideration, but it's something to look forward to in the future. Thank you.

President Sustarsic – Mrs. Hufnagle, any additional comments?

Councilwoman Hufnagle – I would just like to encourage Council to keep this in mind in the future when it comes back to us after Planning & Zoning goes over it and we that we would, we would be in favor of this. Panini's has been a good neighbor to the City. I believe that last Christmas time they had a canned food drive for the Hunger Center so they want to be an active person, active in the City. We all know that parking's been an issue for them. They've been trying to address it since they took the property over. They've made great improvements there. They have a wonderful plan to continue those improvements and I would encourage our support. Thank you.

President Sustarsic – Thank you very much.

Councilman Gruber – I just like information on the progress of buying the lot across the street. Are they still interested in that? Is that going to be part of the master plan? I know that came before Council before.

Councilwoman Hufnagle – Yeah.

Councilman Gruber – So it'll be very exciting.

President Sustarsic – Would anyone want to comment on that?

Director Pietravoia – Are you referring to the additional lot at the immediate corner of 222 and Miller?

Councilman Gruber – Corner Beverage lot.

Director Pietravoia – My understanding is that they are discussing with the owner the possibility of purchasing that property, but they have not come to an agreement yet.

Councilman Gruber – Thank you.

Councilman Langman – I know that when we vacated 242 there was some questions, I think my Council colleague Gruber had some questions of the Service Director on various items. So Director Gulich, who's going to pay for all the plating services and all the survey work that's going to be associated with that?

Director Gulich – We've made it quite apparent with Panini's from the outside that all expenses would be borne by them and not by the City.

Councilman Langman – Do we know how much that will cost

Director Gulich – Probably in the area between \$3 and 4, 000, we do have an engineering proposal. This would cover all that plating that'd be necessary. The filing of the plats, the surveys that need to be done, soup to nuts.

Councilman Langman – Thank you and Law Director Frey, again, when we vacated 242, some residents had questions about turning over a public right-of-way to a private entity. Do you have any comments from the legal end on that matter?

Director Frey – This Council would have to make that decision whether that's in the public interest to do so. Obviously, the matter will go to Planning & Zoning for an initial review of that. There is notice requirements for 6 weeks unless all adjoining property owners waive that. My understanding is to date that has not occurred. There's not been a waiver so at this point there would have to be notice for 6 consecutive weeks. So there will be plenty of opportunity for the public both with Planning & Zoning and then before Council to express their concerns as to whether or not this project meets the public good. Ultimately, that will be Council's decision when it comes back, if it does, in fact, meet the public good.

I think, you know, apart from that I suppose Council would consider its impact on the business and the business's viability and the whole traffic pattern issue that will be addressed by Engineering, Traffic Engineering and the Police and Fire Department.

Councilman Langman – Okay, but there's nothing in legal precedent on the State level that says that the owner has to reimburse for prior improvements and so forth, utility improvements?

Director Frey – Not that I'm aware of I can't say that I've researched that relative to this. Not that I'm aware of I've looked at the memo that was drafted in connection with East 242nd Street project and I see no reference to that in there.

Councilman Langman – Very good, thank you.

Councilman Gruber – Just a thought to Director Gulich, there's a significant amount of infrastructure underneath that street if something were to be, have to be maintained by the City after we vacate that, how would that interfere with their project? Like sewers or waterline or...

Director Gulich – Believe it or not that's not that complicated under that stretch of road. That was a road extension. It doesn't have, it doesn't have sewers. There is a waterline there and there are some infrastructure owned by the gas company, obviously, during the vacation process we were address that with the corresponding utilities. We know it's there.

President Sustarsic – Any other comments or questions? Seeing none, this will have to be referred to Planning & Zoning. Do I have a motion to move it to that committee?

Councilman Gruber moved to send the legislation to Planning & Zoning Commission; seconded by Councilwoman Mancuso. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, Sustarsic, Sustarsic
Legislation sent to Planning & Zoning Commission.

Ord. 151-2004 (136-04) Rezone 940 Babbitt

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)

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

Director Pietravoia – Again, I'm going to defer to Andy Torowski, our Zoning Commissioner, who's prepared a report on this public hearing.

Commissioner Torowski – As stated, the property owners wish to request to rezone the referenced parcel located at 940 Babbitt Road from Attached Single Family use district to a U-4, Commercial, use district. If anybody in the audience is responsible for this property and wish to come up to make comments. Mr. Bruckman is here to take comments or questions.

President Sustarsic – Give us your name and address please.

Mr. David Bruckman – 1440 West Hill Drive, Gates Mills, Ohio.

President Sustarsic – Do we have any questions or comments at this time from the City Council for Mr. Bruckman?

Councilman Langman – Mr. Bruckman, we had talked in the summertime about potential uses for the property. Can you update us on the progress of your plans?

Mr. Bruckman – We've been contacted by two restaurants that are sit-down, family-style restaurants and we're just in the process of negotiating with them now. You know, as everyone knows, we started out thinking that a fast food might be the best use and after reviewing it, we think that a sit-down, family-style restaurant is better for the neighborhood and better for us, also, as a neighbor.

President Sustarsic – Okay, so that would specifically be, is it specifically written anywhere or I guess it would be later on the contact indicated that there would be no drive-through access for the facilities.

Director Pietravoia – A drive-through would require a Special Use Permit. There's no request or application before us at this time for that type of facility. They could not do it as a matter of right, they would have to come back to Planning & Zoning and Council for a Special Use Permit.

Councilwoman Holzheimer Gail – Director Pietravoia or Mr. Torowski, would either of you review what is suitable in a U-4 and what some of the properties that would be excluded. I've seen both commercial and listed as retail/wholesale. I just want to make sure we are all on the same page.

Director Pietravoia – There is a fairly long list of permitted uses in a U-4 district. They are typically general local retail neighborhood type businesses. Banks, offices, barber and beauty shops, drug store, flower shop, things of that nature, grocery, shoe store, theater. Used car lots are permitted. Garages for parking private automobiles, although some of those do require special permits. For example, the drive-through restaurant would require a special permit. A dance hall. Used car or used boat lot where you are selling cars or boats would require a special use permit. It is generally a local neighborhood retail type district.

Councilwoman Holzheimer Gail – I know there were some concerns initially at the Planning & Zoning Public Hearing so I think this property has a wonderful opportunity, it is a gateway in essence into the City. It would be suitable for a commercial project because of where it sits. There's a couple concerns that I want to make sure are addressed prior to going forward and I would like to amend the legislation so that we can make that part of the record. That would include a board-on-board privacy fence that I believe is required anyway between residential and commercial properties. Also suitable landscaping and I'd like to be able to have some of the residents involved perhaps with defining what's suitable at a later date. Also there continues to be some drainage issues that I want to make sure, I know our Engineering Dept. will be involved with any building, but we need to make sure that the drainage issues, that the residents continue to have are addressed. I think the drainage issues have been ongoing, some of that may have been addressed. I want to ensure that those three things are part of this legislation that it is required.

President Sustarsic – Would that necessarily be toward this piece of legislation? Or as the project proceeds further on, once there is a buyer and development.

Director Pietravoia – The items that have been requested are normally required as part of our Code as it stands today as it is presently written. So those items would be addressed. Although it may not be as specific as requiring a board-on-board fence for example. But there is a fencing and screening requirement between a commercial property and a residential property to a height of 6 feet, but it doesn't specify the material. It is left up to the Architectural Review Board to determine what would be appropriate in a particular case.

The only thing that may not be covered as a matter of course, although we do have requirements that our Engineer looks at, the drainage issues. I'm not sure they're required by code, but the Engineer typically looks on any new construction to make sure that proper drainage is in place.

Councilwoman Holzheimer Gail – I apologize for interrupting you earlier. The reason that I specified board-on-board is because chain-link doesn't provide the privacy that I think the residents deserve there. I would feel more comfortable with passing this with those in here, whether they are needed or not. So I don't know where in the legislation those would go, but I know we've done that in the past, requiring fencing or requiring screening as part of the legislation. I for on would feel more comfortable putting those in as some of the residents would.

Director Frey – The matter that's before Council right now is the proper zoning of the parcel as opposed to the development project of that. To consider those type of finish requirements and they are important, but to consider those is inconsistent it seems to me with the purpose of this to zone the parcel. I think you've made a good record and I'm certain that when that matter is considered, when a developer is considering that site with Architectural Review, that would be the place to put in those requirements. It seems to me the specific type of fencing and landscaping to afford privacy to the neighbors to the north of that. I'm not sure this is the vehicle to get that in there. This is what's the proper zoning classification for this piece of property. I think we're premature to try to restrict the zoning with those specific requirements because our zoning code doesn't have that in it as part of it. I would respectfully ask that be held for the Architectural Review piece of this as opposed to the zoning piece.

Councilwoman Holzheimer Gail – I understand that. We have done it before. Maybe we weren't right in doing it before. To me if we are granting a new use, because that's adjacent to residential property, I would like to ensure and the only way before me tonight in doing that is by adding it to the legislation. Because of the proximity to residential and now changing it to commercial, residential to residential, the concerns aren't there quite as much. If there's another way to ensure that before giving approval to change it, I'm open to that, but this is before us tonight and I would like to have those assurances. If there's another way to do it without amending the legislation, I'm open to that.

Are there any objections, Mr. Bruckman to those?

Mr. Bruckman – No as a matter of fact, I would deliver a letter to the City to the Council that upon the sale of the property we would guaranty that it would at least meet the board-on-board that we have now, or a higher quality and standard. A couple of the developers have talked about brick wall with maybe some iron-wroughting. But it would be better than what we have now and we have board-on-board now.

Councilwoman Holzheimer Gail – Screening and drainage.

Mr. Bruckman – Yes.

Councilwoman Holzheimer Gail – Could we perhaps have an addendum added to this legislation and prior to the Mayor signing it?

Director Frey – We'll draft that up and get it included to reflect the concern that the property be subject to board-on-board fence, screening, landscaping and resolution of drainage issues. We'll add that in as a Section in the ordinance before its signed.

Mayor Cervenik- We'll make sure that you'll also get a copy of it for your approval.

Councilman Gruber – I have a question for the Ward Councilwoman. Have you gotten much feedback from the residents in that area?

Councilwoman Holzheimer Gail – Initially when it was at Planning & Zoning, I did. Not recently.

Councilman Gruber – What do you feel the consensus is?

Councilwoman Holzheimer Gail – It is a public hearing, I don't know if any of the residents are here? Perhaps we can open it to them.

A five minute break was taken.

President Sustarsic – Is there anyone in the audience that lives in that particular or immediate area that would like to speak and address Mr. Bruckman or the administration, please step to the microphone and give your name and address. Is there anyone from the neighborhood that would be interested in speaking for or against this particular issue, please step up to the microphone.

Councilman Delaney – I'm assuming that the City did send letters out to everybody abutting the property so they were notified and were well aware this was before us tonight?

Director Pietravoia – Our Council Clerk at this point is the one that actually sends the notices. She uses the same list that we do for Planning & Zoning. I believe there were well over 25 or approximately 25 notices that went out, particularly on the adjacent residential street.

Councilwoman Holzheimer Gail – I know Councilman Gruber has a couple more questions, but he had asked what I heard from residents and I think the initial concern at the Planning & Zoning was attached to the drive-thru when that was dropped, there is no drive-thru attached to this, I think some of the concerns were, addressing the three that I brought up, some of the concerns were met.

Councilman Gruber – Do you have any idea of the size of the square footage of the facility that is being talked about on the property?

Mr. Bruckman – I believe the restaurants are going to be between 4,000-6,000 square feet. When we were developing it for our collision center we had planned a 12,000 square foot building, which adequately fit on the property.

Councilman Gruber – This is a national franchise and we would know the name?

Mr. Bruckman – Yes, everyone would know the names.

Councilman Gruber – What would the hours of operation be? Would this be a 24 hour a day restaurant?

Mr. Bruckman – No. I'm not sure but I think its probably a 7-11 type restaurant.

Councilman Gruber moved to close debate, Councilman T. Sustarsic seconded. Yeas: Unanimous.

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

Passed.

CEREMONIAL RESOLUTIONS

Res. 137-2004 (181-04)

A resolution of commendation to Geoffrey Carter for many years of distinguished service with the Euclid Parks & Recreation Department. (Sponsored by Mayor Cervenik and the entire Council)

Res. 138-2004 (182-04)

A resolution of commendation to Fred Owen for many years of distinguished service with the Euclid Parks & Recreation Department. (Sponsored by Mayor Cervenik and the entire Council)

Res. 139-2004 (184-04)

A resolution of congratulations to Linda Taylor Knight upon her appointment as principal for the Indian Hills Elementary School. (Sponsored by Mayor Cervenik and the entire Council)

Res. 140-2004 (185-04)

A resolution of congratulations to Kenneth M. Ferlito on his appointment as Principal for the recently re-opened Memorial Park Elementary School. (Sponsored by Mayor Cervenik and the entire Council)

Res. 141-2004 (186-04)

A resolution of congratulations to Ann Ferlito, recipient of the Lander Circle Kiwanis Award for Teacher of the Year in the Orange School District. (Sponsored by Mayor Cervenik and the entire Council)

Councilman Langman moved for passage, Councilwoman Holzheimer Gail seconded.

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

Passed.

COMMITTEE OF THE WHOLE

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

Mr. Tod Guntner – 390 E. 257. First of all our Upson Neighborhood Association held their annual Block Party on Saturday, August 28th. Everybody had a great time. We were able to block off a portion of the street, which the kids actually love. A couple of thank yous, first of all I would like to thank Dr. Richmond from the Richmond Veterinary Clinic. He donated a cotton candy machine for us. Kids had a wonderful time with that and some of the adults did too. Also like to thank Jeff & Connie for donating their oversized tent, which came in very handy at 7:00 when the bottom fell out of the sky. I would also like to thank Pat & Airrea for co-coordinating the games. Also to everyone attending. We did have another great event. We did this year have an admission charge and that was two cans of food which we donated to the Euclid Hunger Center.

For PetPals business. On July 31st there was a fundraiser at the Tradewinds Lounge. This was put together by a gentleman who I just know as Po. He called us and said he wanted to do something for the Shelter. He put this together. He got volunteers. He got the Tradewinds to donate space and time. He himself one evening raised over \$900 to help the animals at the Shelter. I would like to thank him, his 6 volunteers and also I'd like to thank Jack Murphy of the Tradewinds Lounge for donating his facility for this.

On August 14 & 15 we held a Rummage Sale at the Shelter. We raised nearly \$1,300. I would like to thank all of our volunteers who worked very hard on this event. I would like to thank all the citizens of Euclid who donated items for the event. I would like to thank everyone that participated and bought things at a rummage sale. I would also like to thank Kathy Will, she has been a godsend to us in the last year and I hope everyone supports the Recreation Department.

Last but not least, we had a little trouble with our Clam-Bark. As you know we are not allowed to use that name. We had a little trouble with the date and everything else. So, on October 29th, will be our 2nd Annual Clam Bake. This is called the For Paws Clam Jam & Boo Bash. We are incorporating a clam bake and a Halloween Party complete with prizes and everything else. Same price as last year, \$40. Again the 29th, 6:30 to midnight. Most of you sitting up here were there last year. I know what a great time you had. Tickets will be ready in about a week or so. Thank you.

Mr. Matt Sarver – 26550 Shoreview. I would like to make everyone aware that the Euclid Awareness Committee is having our kick-off campaign fund-raiser at the Manor Party Center, Thursday, September 9th. The proceeds from this event will be used exclusively for educating the citizens of Euclid on the Hillandale project that will be part of this November's ballot. This event is pivotal for providing the funds needed for literature, mailings and advertising. It is the intent of the Euclid Awareness Committee to have only one major fundraiser for this campaign and this event signifies as a major factor in the success or failure in the campaign.

Not only does the success of this event support a Euclid business, the Manor Party Center, it will also secure a successful campaign this November. As always, thank you for your support and we hope to see you on September 9th because your community needs you.

The fund raiser will be Thursday, September 9th. Doors will open at 6 PM. Cocktails will be served at 6:30 and will go to around 11:00 PM. Ticket price is \$35 for each ticket. Tickets will be available at the door so if you don't have a chance to see me or one of the other members of the Committee between now and Thursday, it is not a problem, you can get them at the door. For that ticket price you get a full service bar, hors d'oeuvres, gourmet sandwiches. We'll have hand-carved beef, chicken, ham and we'll have fixings, vegetables, dip, pastry and we will have a DJ there, there will be entertainment. We do hope to see you there and if you are unable to attend but would like to make a donation, you can check out our website, www.euclidawareness.com and there you will find all the pertinent information. We certainly hope to see you there. Thank you.

Mrs. Ann Raucker – I recently found out the seller of Hillandale Acres was Milstein.

President Sustarsic – Ma'am, name and address please for the record.

Mrs. Raucker – 246 E. 272 St. As I said, I recently found out the seller of Hillandale Acres was Milstein, a name associated with a high rise building at Route 91 and Mayfield Road. Home to many Russian immigrants, some of them living on the public dole for years.

I had wondered if the Provident Baptist Church had enough money to buy the property and also meet necessary requirements to develop this land as stated by various people. With Sheldon Berns and Milstein involved, I know all these things were possible. On Channel 23, I saw Mayor Oyaski with people from Ward 3 & 4. I also recalled his remarks in favor of the Church. I knew he was exploiting the situation for political clout in the coming election. He won some points and he lost a big one. So Mayor Cervenik was left with the Church and zoning issue.

Mayor Cervenik placed this issue on the table that proved to be in trouble due to greedy businessmen who did not present a business deal of any value or stability. Does the Church really own this property? Did the seller stick the Church with land that was eating up his money and would be expensive to develop? Sheldon Berns paced the floor and stressed the fact over and over that the land has not been used for 30 years. Here was a proposal the City should grab. I say far better the land not be used for the next 30 years than stick the coming generations with this deal.

I see where Mr. Berns has asked for another extension. He must be stuck with a problem. Be wary Mr. Frey, that the citizens of Euclid are not stuck with it also. The Court and the Judge on this case should be thoroughly investigated in this law suit. Thank you.

Ms. Kate Wenrich – 294 E. 264 St. I just wanted to say thank you gentlemen and let you guys know I found myself on Friday morning in a situation that I didn't know how to deal with a senior citizen in Euclid. I called the Police Dept., I called the ambulance. You have wonderful people working in your departments. They were very helpful and it was very stressful for me, I'm sure for the gentleman too and I just wanted to say thank you.

Mr. Tom Cooke – 25641 Edgecliff. On August 17th of this year an unfortunate incident took place where a man wanted on a drug warrant being pursued by police was killed after he ran into the path of an oncoming police car. This event was later reported in the Euclid Sun Journal on the front page as a lead story complete with a large photograph of members of the Black on Black Crime Incorporated. An organization headed by Art McCoy, along with a revolutionary communist youth brigade showing protestors carrying a large banner which had printed on the banner, Stop Police Brutality.

What is disturbing about this article is how it is presented to the reader, what it implies, the picture it paints and the inference one is left with after reading the article. Within the article the Sun Journal goes on to interview and quote Art McCoy. The following are an example of some excerpts from the Journal. “We don’t fee he should be dead.” McCoy said. McCoy said he thinks the police car struck the curb and went onto the treelawn where it struck Mr. Winn, the drug suspect. He, McCoy, believes the police car should not have been on the treelawn. Of the police version McCoy said, “that is not what happened. Its what the media wants you to believe.” McCoy’s translation, the police are liars.

Again, quoting McCoy, “he didn’t run into the police car, the police car ran into him.” One is lead to believe that the officer driving the vehicle had a GPS guided laser system on his front bumper with the laser being fixed on the drug suspect. McCoy again, “we love the police and we want the police to do their job, but in this case there was overzealous police work.” McCoy’s translation, the police should have summoned Tinky Winky and the Teletubbies along with maybe the Powder Puff Girls for help and advice in pursuing this known criminal and drug offender.

McCoy went on to say that the Euclid Police Department, “committed vehicular homicide on that young man.” McCoy goes on to say, “we want the Police Department and the Mayor to stand up for what they did wrong and admit they were wrong. That’s all we want.” That’s all Art McCoy wants Mr. Mayor, how’s that?

The reader of this article is lead to believe the Art McCoy somehow has a clairvoyant insight into the real truth into exactly what really happened in this tragic incident. This is exactly where the injustice of this article lies. What is truly astounding, the reader is lead to believe that Art McCoy, Black on Black, and the revolutionary communist youth brigade are more creditable in the statements they are making than that of Euclid’s Chief of Police, Chief Maine.

In publishing the unsubstantiated remarks and outright fabrications of Art McCoy the Euclid Sun Journal, without hesitation, without even a hint of questioning the validity and accuracy of McCoy’s statements the Euclid Sun Journal has endorsed McCoy’s statements as fact. Carrying the same weight and truthfulness as statements made by Chief Maine and the Euclid Police. In other words, the comments of Chief Maine, alongside the comments of Art McCoy, carry the same level of creditability and trustworthiness. Nothing could be further from the truth. Art McCoy is a self-serving, political opportunist who selectively chooses when and where his form of justice is to be applied. The article and photograph taken as a whole, the lack of scrutiny and examination as to the content and impact of McCoy’s statements leads the reader to believe that Art McCoy and Black on Black are reflective of and endorsed by the Black community in the City of Euclid. In my life experiences with my neighbors, this viewpoint is not representative of the majority of Afro-Americans in Euclid.

In addition, the Sun Journal points out that some residents where this incident took place spoke of police prejudice towards African-Americans including this quote from an unnamed resident, “they took their time calling for an ambulance.” Given the statement and the context of the rest of the article, one gets the impression that the police pulled up a lawn chair, cracked open a beer and had a cigarette before calling the ambulance. What the Euclid Sun Journal somehow failed to report is that the Officer driving the vehicle that hit the suspect without regard for his own safety and well-being immediately began to administer mouth-to-mouth resuscitation on the suspect. This Officer knew the suspect was a known drug offender. This Officer knew all of the associated health risks involved in administering mouth-to-mouth resuscitation to a known drug abuser and with total disregard for his own well-being made a consciences decision to try to save this man’s life.

One has to wonder how that was missed by the Journal. One thing the Journal did publish without regard for the privacy and protection of the Officer involved was the Officer’s name. I am not here to cast dispersions on anyone, however, this article is nothing short of blatant irresponsible act of junk journalism. It’s sole affect is to entice and arouse emotions that are founded on lies, half-truths and twisting of actual events. The Euclid Sun Journal owes an immediate apology to the residents of the City of Euclid, the Euclid Police Department, Chief Maine and the Officer involved in this unfortunate incident. This apology should not come from the reporter who wrote the article, but should come from the upper-ranks of the Sun Journal Newspapers, for this is where this type of sensationalistic junk journalism is given birth. The City of Euclid is my city, I have lived here my entire life. I plan on living out the rest of my life here. I will not leave anyone unchallenged,

especially a news organization who lays false claim or misrepresents events in the City of Euclid.
Thank you.

Mr. Victor Goodman – 20201 Glen Russ Lane. I hope everyone had a great summer. I spoke with my councilman just recently, who had laser surgery and lost weight, so he looks great.

I wanted to talk before about #6, and about the fee. A point was brought up that I thought was very relevant. Is that it could be a deterrent as all additional fees that could come, would be a detriment for both people living here or planning to live here.

But I thought of a way to solve both problems. Charging out-of-city residents for services provided by the City, is very justifiable. But certainly through the fact that we pay taxes, those services should be rendered free of charge to the citizens of Euclid.

So while you're in Committee, maybe one of the things to think about is it is a plausible tax to people from outside our city who require our city services. I hope you'll think about that. Thank you.

Mrs. Susan McGinn – 141 Sunnyclyff Dr. Being that #2 or #3, was put into Committee, #3, you guys sort of confused me out there. Why was this put on the Agenda if our Charter states that it has to be heard 50 days before the legislation is passed? Mrs. Hufnagle, can you answer that?

Councilwoman Hufnagle – I believe that we chose to put it on the Agenda at this time because we are permitted to discuss the issue and it has to be placed in Committee from somewhere.

Mrs. McGinn – If I understood it correctly, the discussion should go on, you have 150 days from the time the legislation would be passed. So why are you doing it so far in advance?

Councilwoman Hufnagle – It is my understanding that we can't vote on it until that time period. We can't act on it. We can't vote on it. But we can discuss it.

Mrs. McGinn – And you can discuss it in this body?

Councilwoman Hufnagle – That is my understanding. Now, I'm not the Law Director and I could have misunderstood what I was told, but that is my understanding.

Mrs. McGinn – Director Frey, can you answer that?

Director Frey – The matter cannot be acted on by Council. It can't be a vote that's valid to change the compensation for Council members until a defined period of time in the Charter. I believe that's 150 days before the filing deadline for the next term. So any change this Council chooses to make, if any, in the compensation for Council members, that can't be effective or voted on by Council until that appropriate time. However, if Council wishes to discuss that as part of the overall budget issues in Committee and then bring it out of Committee at the appropriate time for full Council consideration and vote, I assume that's what's going to happen here. It would be an invalid piece of legislation to attempt to vote on it outside of the window that the Charter and the Code provides.

Mrs. McGinn – So the three people that sponsored this piece of legislation, put the piece of legislation that is actually invalid.

Director Frey – I didn't say that at all. I said, that a vote on it today would be invalid. The vote on this piece of legislation would have to fall within a defined period of time.

Mrs. McGinn – So then why was there no conversation about it this evening?

Director Frey – I can't answer that question, why there was no conversation.

Mrs. McGinn – I think you confused the audience. I don't understand why it was even put on. It doesn't seem to make sense. I have one other question and I'll direct this to Councilwoman Hufnagle, how much of a savings do you expect to gain, does the City expect to gain from eliminating these benefits?

Councilwoman Hufnagle – I think that the numbers that Council has spent on health care in the past have been public knowledge. I would expect that if we do not offer health care to Council that we could expect to save that amount of money.

Mrs. McGinn – How much though? I'd like a dollar figure. If you guys studied the Jefferson Wells, you reviewed the Jefferson Wells study, you must know, have a dollar amount?

Councilwoman Hufnagle – Absolutely.

Mrs. McGinn – If you put this on the agenda, I'd like to hear numbers.

Councilwoman Hufnagle – From August, 2000 to December, 2000 the amount Council spent on health care was \$18,337.74. In January, 2001 to December, 2001 Council spent \$58,014.03. From January, 2002 until 12-02, Council spent \$34,030.04. From January 1st to August 31st of 2003, Council spent \$26,153.73.

Mrs. McGinn – That was the previous Council, not this Council, correct?

Councilwoman Hufnagle – Those are for the dates that I gave you.

Mrs. McGinn – Nothing for this current Council? You don't have numbers for this current Council?

Councilwoman Hufnagle – No, but you could certainly make a Public Records Request and those are, as you well know, a public record.

Mrs. McGinn – Okay, I just wanted to see if you knew your numbers.

Councilwoman Hufnagle – I do know my numbers. Its an issue that I brought to the floor as a public resident.

Mrs. McGinn - I understand. Speaking of you as a public resident, let me go back to another thing, you've confused us about this and also talking about confusion, I'd like to address the crossing guard subject. First we have no funds and then two days later, magically, money appears. It looked disorganized. It looked directionless. To everyone in this community that I spoke with, and that says nothing about people outside this community, I think it made us look really bad.

President Sustarsic – Your 5 minutes are up.

Mr. Dave Griesmer – 314 E. 216. I attended many Council Meetings in the last year that Council President Sustarsic has lead. He continually tries to tell the public on how to maintain their behavior, often scolding them and how they weren't appropriate. Tonight I would like to remind the Council President that his job is to lead council, bring ideas to the table, watch-guard the city's finances. I don't understand how the Council didn't meet at least once this summer. I've watched and in recent times they've always met at least once over the summer. I know it was suggested by Councilman Delaney to hold a meeting, but there was no reply. The residents continue to read about garbage fees, storm water run off, other fees that maybe associated with living in Euclid. I don't see why in this financial crisis we're in, maybe the Council President couldn't find the time. Maybe we should consider not paying the Council President over the summer because he didn't want to bring a meeting to the public. Thank you and have a good night.

Mrs. Rebecca Conway – 291 E. 276 St. I have a few questions. Can someone share with us what exactly is going on with the golf course?

Mayor Cervenik – Do you want me to answer these now Mr. Chairman?

President Sustarsic – That would be up to you Mrs. Conway, do you want him to take your time?

Mrs. Conway – That's fine. A quick update.

Mayor Cervenik – On August 10th, Mr. Gulich sent an e-mail and also put in their mailbox a letter from Mr. Zofcin that states, I have reviewed the bids received for the Briardale Greens Clubhouse project which were received yesterday August 9th. Bids were received from 3 contractors, General Trade Work and one included the pavilion. No bids were received for the demolition work. All the bids received exceeded our opinion of probably construction costs by more than 10% of the cost. It is my opinion that all bids be rejected due to the bids exceeding the opinion of probably

construction costs by more than 10%. Further it is my recommendation that the project bid document be modified by Brandstetter, Carroll, Zofcin at no additional cost to the City.

We have done that. We have had a number of meetings with CT Consultants. Mr. Zofcin has also had a number of meetings with contractors that were involved in the original bidding. There were some major changes in the construction planning. I was a little disappointed at some of the items that were in the original contract. Once we found out the cost, such as a \$40,000 trellis, those items have been removed. Instead of a metal roof, they will be bidding out a shingle roof that will last 30-35 years. The bids will be in the paper on Friday and we will come to Council with the results at that time.

Mrs. Conway – If that's not satisfactory to Council, those new bids, will the money that was borrowed be put back to pay the loans so we're not continuing to pay interest on it?

Mayor Cervenik- If we do not spend the money on the project for the golf course, absolutely.

Mrs. Conway – Could you tell me, Mr. Mayor, where Shore stands right now?

Mayor Cervenik – Where Shore stands right now, Mr. Gary Gezann came into my office about 10 days ago with two developers, or a developer team, two gentlemen, that were going over to the building. They are very interested in being the development partner for Sandvick & Co. He told us probably another 2-3 weeks they will sit down and tell us what is expected, what it could cost and then at that time we will have some information. I do not have any plans, written or otherwise. They did present some drawings but they are not final.

Mrs. Conway – Are we paying Sandvick Architects?

Mayor Cervenik – No we're not paying them anything at this time. No.

Mrs. Conway – I understand there was an e-mail that went out to all the Council people talking about Sandvick Architects is working with a developer to firm up the program and the rehabilitation of Shore. I guess what I'm confused about is how many meetings have there been with the Council or certain Committee people about rehabbing Shore?

Mayor Cervenik – Until we know for sure what the developer wants, what it is going to cost us and whether they can come through on renovating the west-wing for the good of the general public, I have nothing to give other than letting them know that they are still interested in doing it. We've got some serious problems right there today with the fire alarm. We don't know if we're going to have to do a \$50,000 fire alarm rehabilitation in that building. We've got our employees, every hour, they need to walk through the building to make sure there's no fires anywhere. So it's a priority, but as I said before, we can't rush these things and the developer, like I said, is very excited about working on the building. They've been involved in projects like that before and I'm looking forward to their results.

Mrs. Conway – In Thursday's paper in the Sun Journal, I was very disappointed to read, "in search of new revenues Cervenik will ask Council this month, (meaning September), to approve resident's payments for garbage collection or street lighting, or a combination of both. Or in lieu of those, he will ask that a property tax be put on the ballot." When I read that, some people, well our group the Euclid Awareness Committee, decided to have a nice demonstration outside with signs. We had a lot of support. We had a lot of people that were driving past, beeping, waiving. Garbage fees, lighting fees, a property tax increase, the residents don't want that. Many of us don't, I can't speak for everyone but everyone I've talked to. We pay 2.85% now. The City doesn't offer as many amenities as other cities and I hope that your administration can get creative and think outside the box instead of always coming to the taxpayers and hitting us with fees. Now we might have to pay if the fire department is deployed in a car accident. We just think enough is enough now.

Mr. Brian Meister – I live at the Water's Edge apartments. I felt compelled to get out of my seat at home and come here this evening, because of some of the things that have been coming up about Hillandale Project.

I've been an employee of the City since September of last year. During my term here, I've had the pleasure of serving both the Planning & Zoning Committee and the Architectural Review Board. These Boards are filled with qualified individuals that take every part, they took this Hillandale Project to task. They did everything possible to get them to come forward with the goods and they did. They came forward with the goods.

Whatever this Euclid Awareness Committee is trying to tell you, you know, go tip your drinks and pay your \$35 kids, because they don't know the truth, they won't even look at the truth. The truth is there for you, its there for the viewing. Come, hey, I work for the City, call me, I'll get you the information. They're there. It's been present.

But the thing that got me out of my seat tonight, the thing that enraged me to no end, was the anti-Semitic comments that were made by a woman who was reading from a prepared text. The fact that it could go on at a body like this sickens me. It sickens me to no end. Sheldon Berns, and it's a member of the Bar that sickened me too, the comments being made about the judiciary and the Council handling this. This is absurd, absurd anti-Semitic garbage. It's horrid.

Sheldon Berns is a man of respect, a man who I sat with in many, many meetings leading up to the vote on Council and finally, thank God, it made it through the way it should have made it through. Because these people did everything. They've answered every question and this is rubbish, rubbish.

I'm sorry, I was really fired up tonight. It sickens me. It sickens me to no end. Because this is a zoning issue. It's what that piece of property is suited for. If you look to the surrounding suburbs, if you look around, there's residential. It supports residential in that area. They're willing to take on a piece of property that's also challenged, it's a hillside and there's going to be many things that they are going to have to come and prove to these bodies, to prove to Planning & Zoning, to prove to Architectural Review Board that these are sound structures that are going in there and this is good plan. We've got to give them the chance though. We've got to let them move forward. Times a-wasting. There could be homes being built for people to come into these cities. But Oh My God, look at the evil force behind them, it's the Baptists.

You are unbelievable. Unbelievable people. The disrespect you're showing, these people, this other religion. It's awful. It sickens me. Show these people the respect they deserve. Stop this utter rubbish that you're peddling.

Woman from audience – Who are you and where do you come from?

President Sustarsic – Excuse me ma'am, if you want to speak up to the podium and address the issue, you are more than welcome, but not from the seat.

Mr. Meister – Reverend Maiden is a good man. He's a good man. Paul Taylor is a man who's basically been a success in his field as well throughout the country. Yes, you can point, point to his foils but his successes far out weigh them. He's a man of respect. You people are trying to sell them. What you're doing is, you are so afraid, you're so afraid of the fact that people are saying that you're racist, but you are. You are. You are afraid to look past the color of the man's skin and reach into what he has shown

President Sustarsic – Mr. Meister please

Man from audience (Mr. Goodman) – Why don't you tell him he's Out of Order? You tell us we're Out of Order, this man is calling me a racist?

President Sustarsic – You are presently Out of Order as well Sir.

Mr. Goodman – Of course.

President Sustarsic – As well.

Mr. Goodman – Speak up. Speak up Jerry. Pound him the hammer. Tell this man he's Out of Order.

President Sustarsic – (Bang Gavel), You are Out of Order!

Mr. Goodman – Thank you.

President Sustarsic – You are Out of Order and anyone else. You know, I thought things were going well, as a matter of fact, things were going to well. It was a very, very, respectable crowd this evening. Everyone had respect for each other. Up until this particular point in time, we have refrained from charges, we have refrained from name calling. We stuck to the issues, which is supposed to be the way a Council Meeting should be run.

I would appreciate it very much, I have seen others that have gotten up in response to Mr. Meister and if it would be anything relative to personal attacks on him, I would appreciate it if you

could not conduct that business in this Council Chamber. But in fact talk to the business of the City at hand and for the good of the City at hand. If you have any personal problems with anybody, you can please reconcile that with them at another point, but not at this public session, thank you. Your time is up.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. It was stressed a few minutes ago that people in the City know what they are doing. I'm representing the rest of the citizens. With this Hillandale property that has been turned down time and time again when they try to build up there because of the type of land that it is. That's one thing. What you are missing here, what all of you have missed on this whole point is putting homes up there, putting driveways in, sidewalks, roads. What is it going to do to our sewer system when it gets down here to the Treatment Plant? We are going to overrun it. It is going to cost us citizens more money so a church and homes can go in. It is going to cost us money to rebuild and strengthen our sewer system, or waste treatment plant. When have you talked about that? I'm sure you built in the extra-capacity, no, nobody does. You don't have the extra-capacity to handle all the water run-off, the sewage, that will be coming down to our sewer plant. A few months back, a year or so ago, they were talking, you don't want to see a 4 story building, sewage plant down on the lake. Let's stop this where it stops now. The land was undeveloped for all these years because it couldn't be developed, because of all the problems. Don't put it on us residents now, especially the older residents, to pay taxes to support you. Thank you.

Mr. Jerry Corbran – 24250 Maplewood Dr. Director Frey, about three months ago, June 7th meeting I asked a few questions regarding the Golf Course Clubhouse. I was asking about the Board of Control, what rights do they have. Therefore I asked these questions to you, I had Mr. Nagy deliver them. I got no answer. Of course then I sent an e-mail to you during the summer and I got no answer on that. Now, I'm just repeating the question. I'll just go through the questions again.

Does the Board of Control have chartered authority to reject bids that are under Council approved budget costs? A specific ordinance please. If so, wasn't a formal vote of the Board of Control necessary.

#2, was there specific legislation passed by the current Council rejecting Res. 226-2003, directing the administration to proceed with action and implementation of the project ordered by the previous Council? How is the phrase "direct" defined in municipal law?

Well I'm still asking these questions and may ask you to forward your opinion with the specific ordinances in the case reference. I have given you my e-mail. Mr. Nagy if you will do the pleasure again and I thank you very much.

Mr. Joe Udovic – 221371 Naumann. I will be talking about the Hillandale issue this evening. I am not racist. I support the issue based on economic factors alone. I do not believe any person in my group is considered racist. I'm hoping that this election season will be a clean election season that all comments, all communication will bring out only the facts. We do not need no name calling, no derogatory statement. This issue is to important for the well being and the safety and the economic future of our community. I do believe everybody should conduct themselves as ladies and gentlemen, to the up and fullest moment of time being November, 2004. I would be imploring everybody that this is very important for our community. The way I'm seeing it is, what is the best use for that land at the current present time, and what are the best plans. What are the economic point values of the homes that were being offered by this developer? What was the Church factor being offered by this developer? These are my concerns and I believe either the concerns of the residents who belong to Euclid Awareness Committee.

The public is invited on Thursday night's meeting at the Manor if they would love to attend for a donation. If they've got any questions, they'll be more than willing to talk to people. I have tickets. Mr. Sustarsic, if you want to buy a ticket, I'd be glad to sell you a ticket if you have any questions, they will be answered. But I do not believe race is the ultimate issue here. I believe in judging people for who and what they are, not by the color of their skin but how they perform themselves and how they act and how they behave. I do believe this is very important and needs to be brought out. I am going to one more time implore, this issue is to important to be just treated foolishly. I'm asking everybody to talk and communicate only the facts on what is the best use of the land.

My next comments will be based on some of the things that I've been observing this summer. I got a chance to spend some time along Euclid Ave. I noticed one of the hot-spots along Euclid Ave. is the Sunoco station near the Indian Hills Retirement Community. Recently I got a chance to visit my old neighborhood, I noticed there was one businesswoman closes her store because pan-handlers come up to her door and she's conducting business and she doesn't want people to go into her store and begging for money. There are people that go up to that Sunoco and are selling merchandise out of brown paper bags. I run a business, I have a vendor's license. I do

pay my sales tax. When I go to buy gas at that location or if I'm in that area and I see people pulling merchandise out of a bag, I know they are not conducting legitimate businesses. Hopefully the police department will keep a vigilant eye on that location. I think that is one of the hot-spots in the City of Euclid at this point in time.

Another hot-spot I noticed that's in Euclid is the Hillandale Park. We spent a good, during the last Council term, I'm going to say \$65,000-\$70,000 reconfiguration that park. I noticed middle-age youths, climbing the pavilion up there. I noticed graffiti on the table already there. Couple days after the 4th of July, broken glass bottles, at that park. Fireworks were in that park. I noticed cars going in and out of there late at night. That Park is supposed to be closed at dark. If we are going to have a clean community, we've got to start taking care of our properties. We need to start showing presence on the avenue. Thank you.

Mr. Mike Stanko – 911 Babbitt Rd. I'm a neighbor of Clay Matthews. I have no problem with one of the places he's talking about putting up there, but I strongly suggest someone observe the traffic pattern there after this place goes in because it gets very congested there, especially during rush hours. I also want to voice my displeasure at the possibility of me paying another \$540 for my sewer, my lighting and my trash without have a choice. I can take my trash somewhere. I've got a light that's stronger on my patio in the back than any streetlight on my street. I have Mr. Matthews, lighting up my front. So I would like the option of turning down these services if they are offered to me for a price. Thank you.

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

COUNCILMEN'S COMMENTS

Councilman Langman – Well I did have some comments prepared, but I have some questions instead. I think tonight was the first time in all our debates over the past few years where I was embarrassed to be sitting up here. I don't believe, Mr. Chairman, that the comments made by Mr. Meister were appropriate, dignified or acceptable. I know what anti-Semitism is. I didn't here anybody prior to Mr. Meister make comments that could be construed as such.

Anti-Semitism is a very serious accusation. I don't believe we should tolerate in this body accusations as such from anyone at any time because of the serious nature of those accusations. So whether its anti-Semitism, or racism of any kind, I don't care who they work for, those are not acceptable comments. He should have been gaveled Out of Order almost right off the bat.

As far as his position with the City, he spoke of in his official capacity in some ways by mentioning his role in the various issues surrounding the Hillandale project. I need to know as a Council person, whether in fact these views shared by Mr. Meister are shared by other members of the Law Department or any other members of the Administration? Again, they were serious, because it was an attack upon members of this community. That should not be accepted, quite frankly. Law Director Frey, he works for you, are those views held by the members of the Law Department and other departments of this administration? I want to know that right now.

Director Frey – My obligation is to the City of Euclid, to the Administration, Council and the various Boards. I am not going to respond to Mr. Meister's comments tonight. Certainly I was unaware of his intent to make those comments, so there was no pre-approval or pre-plan for that, as far as I'm aware. As my role as his supervisor with the City, I will give that some reason, thought, and decide at what point there's an appropriate response to be made. I'm not going to get dragged into that. My job is professionally to represent the City and that includes every member of this Council in a manner that will protect the City from unnecessary cost, unnecessary ridicule and I intend to do that, as will all the members of the Law Department.

Councilman Langman – I don't appreciate being accused of anti-Semitism, which would be ironic in of itself.

Director Frey – I don't think he made that accusation to you, sir.

Councilman Langman – I believe that he did. I hope that it is addressed in the appropriate manner through the proper channels.

Director Frey – Thank you.

Councilwoman Mancuso – Before I get to a more pressing issue, I also found those comments very inappropriate for a city employee to be making in our Law Department, considering what is at

stake. I certainly hope it is addressed by his Supervisor tomorrow. Not as a citizen, but as a representative of the City, who is employed by the City.

On another issue, I want to apologize to citizens who have been trying to contact me. I am getting mail, regular postal mail and phone calls. Due to an unfortunate theft I no longer have a laptop, so if you have been e-mailing me, I have not been responding because I'm not getting it. But I'll work with Mr. Johnson to see how we resolve that. So, please accept my apologies, I'm not ignoring anybody, I really don't know that you are even trying to get to me at the moment. Hopefully we'll get this resolved quickly and I'll be able to respond to you once again. Thank you.

Councilman T. Sustarsic – It is good to be back. It's been a long break. I think we are all aware there's a lot of serious decisions that are going to have to be made here within the next few months and up and coming. I'm sure all 9 of us look forward to putting all our heads together and hope we can turn this thing around. Thanks.

President Sustarsic – First of all I would like to apologize to all my friends in the Jewish community for not coming down swiftly with the gavel. It was uncalled for and I regret that I did not act more quickly than I did.

On another note, with the upcoming finances of the City being what they are, it has been somewhat of a Catch-22 situation whereby when you go out on the city streets during the summer as we did, you find out that people and understandably are against an additional charge for garbage pick-up, for street lighting, for whatever suggestions have been made. But however, at the same time, there is no comeback, there is no suggestion as to how we might be able to alleviate the financial problems that we do have. I think it is very, very important that we have a very meaningful discussions over the next, beginning in the next three weeks or so. I would be getting together a Finance Committee, an Executive Committee on certain issues as well. I would like to sit down, we owe it to the City of Euclid and certainly we owe it to ourselves as public officials to come up with viable ideas and alternatives as to what has been projected thus far. Again, to remind the citizenry that these are just suggestions that have been made. There is no action that has been taken yet. We are still in the process of looking for other alternatives, other ways to deal with the situation. But at the same time, I think it boils down to the fact that our wallet is empty. Our credit cards are maxed and this has taken place throughout the city over the years and it just happened to fall upon our laps. It didn't happen over night, it was a matter of time. I think everyone sitting on this Council is responsible, as well as everyone in this administration for working together and coming up with a viable solution that will create a win/win situation for the city. You have to remember we are representatives of you. We are taxpayers just like you. You choose us because you thought that we could represent you in a meeting adequately, and so consequently we look to you for any suggestions, any ideas that might help us overcome this situation. Certainly we are not an isolated incident. In fact when you look to our east and you see Eastlake and other various communities, Cleveland Heights and the like that are experiencing the same problems that we are. It's overdue to eliminate any and all decisiveness that we do have, any personality conflicts that we do have, to work in the best interest of the City and to hopefully put us back on the right track.

What I would like to have, as the Mayor eluded to, with the different bargaining units that they will realize the situation that we are in as well and they will work as cooperatively with us as we all look forward to.

Councilman Daly – One, when we did decide to introduce that legislation, #3, because the city is in a financial crisis. One of the major components is going to be health care for non-union and union employees. It was just a way of showing that we're looking at ourselves first. The Jefferson Wells, that was one of the few suggestions that we could implement that regarded Council. Because of our Charter having that specification in there, it will have to wait until official vote, and because of the Sunshine Law, we can have open Committee Meeting in this room and discuss the pros and cons of that action. That was the reason that I was for it.

The other item I wanted to talk about is this Saturday is September 11th and it is hard to believe that its 36 months past that terrible, terrible day. I went and visited Ground Zero and met with some New York firemen who recalled some stories from that day and we really should take some time out that morning and remember those people and the heroic acts that members of the Fire Dept. and Police Dept. and Port Authority did that day. Not just treat it as any other day. Thank you.

Councilman Delaney – Mayor, when should we expect the three year plan?

Mayor Cervenik – During budget hearings. You've already got a good portion of it by total, Mr. Delaney. I'm sorry Mr. Chairman, I have to go through you. We already know what our projected

deficits are. You will get the full breakdown by line item that you are used to. When Council makes the decision on whether we ask for additional funding, ask the voters to give us additional funding, you decide to institute fees, or you tell me to cut 8-9% off of my budget, I'll know where we are. We have a lot of options to discuss. That's all part of the planning process.

It was mentioned here tonight, I don't want to pay anymore taxes, I don't want to pay for fees. And we get one person's comment about the great safety forces we have. I've asked each of the Directors to put a narrative together of what it is going to cost this community if we make 8% cuts. It's not pretty.

It's my hope and when we present that and we have cooperation with City Council, this community will decide that between paying something more each year to protect these services is a far better alternative than living without it. It is an ongoing process, Mr. Delaney. I don't know if you're looking for lots of different colored pages and that, it is a pretty boring thing. But, it's a tool that let's us know where we're going.

Councilman Delaney – Mr. Mayor, I only asked, should I expect it in October?

Mayor Cervenik – You will get it during budget hearings and we should have budget hearings in October yes. You may get it before then. We'll give you the three year budget before that.

Councilman Delaney – I have time yet and what I'm look at is a projection, a three year projection, that is no different than many of the budget hearings we've already gone through. What you just listed is what you will decide. Yes, ultimately Council decides, but there is no guideline. There is no three year plan as of right now. We are to expect to evolve this in the budget process like we do with every budget process. I want to change here.

I'd like to know the status of Century Corners. The last, there was movement there. Sharon Moster with our CIC had two different interested parties. I would like to know what the status is of that right now?

Director Pietravoia – We have worked over the summer months with a couple of interested parties. At this point we have interest but nothing that has jelled to the point that it is ready to bring to Council. I'm hopeful that during the fall we will have something that will come far enough along that we can bring it to Council.

Councilman Delaney – We were told that there would possibly a bowling alley at Toys-R-Us. Where is the status of that right now?

Director Pietravoia – We have no active interest for a bowling alley or a Toys-R-Us at this point that I'm aware of.

Councilman Delaney- How about what was reported in the Sun paper back in May that August there would be new retail on Lake Shore Blvd. with Breyer's Ice Cream and a Dunkin Donuts.

Director Pietravoia – We are still pursuing that project with the owner of the center. I think it was also reported in the paper that there's an issue with the line of sight with some of the major tenants in their lease language. That is what has stalled the project. We're confident that we will be able to work through that.

Councilman Delaney – To elude to some of the points that the Council President made, there are solutions. One of the big solutions is to expand our tax base. We need movement on PMX. We need movement on Century Corners. We need to get these things done.

Jefferson Wells has been alluded to by three members of Council as a possible, as possible cuts. There were 66 suggestions. Council has one-half of one employee, our Sergeant of Arms, Mr. Nagy; and I hope that Councilman Gruber doesn't propose cutting him like he has the last two years. Those 66 cuts, some make sense. Some are much of what, you know, information in information out. That was the result of interviewing several members of the Administration. And a lot of what they distilled was done in the business mechanism not so much as a, as a fundamental municipal mechanism.

I have a concern, you know, the crossing guards are cut. That decision was made. They're brought back. I'm thrilled that they're back. The legislation was in front of us to take out the Assistant Chief, I'm glad that we're going, I think we need an assistant chief; but decisions need to be made and those have to come down. And right now, the credibility is on the line of both of these government bodies.

President Sustarsic – Excuse me, Mr. Delaney, 5 minutes are up.

Councilman Delaney – Thank you very much. But I'm willing to work; I'm willing to come in. We all have something to offer and the inaction over the summer and a lot of the projects that haven't come to fruition have great cause of concern of our residents. I'm afraid they're only voting with their for sale signs. Thank you.

Councilman Gruber – I guess that's the pleasure of being an at-large guy you're not too busy over the summer. I know we met several times. We came up with many solutions and some of them we bring forward and they are suggestions and ideas. And yes, we did look at cutting Lou Nagy as Sergeant-at-Arms and I think it was you that said we're going to look under every rock for every nickel. So we're doing this to find these items. I think Council should take the first step and set the tone.

We've had residents say that you won't get qualified people if you don't get health insurance on Council. If somebody's running for Council because of health insurance, I don't think I want them there. So those are just some comments on that stuff.

We were wondering, I have a question for Director Will. Salt Lick Overlook Park, whatever happened with that? Are we moving ahead with that project or?

Director Will – Honestly, I would have to look into that and get back in touch with you about that progress.

Councilman Gruber – Good. This is for the Mayor. Mr. Mayor, where did the storm water runoff fee come from? Did you, did you say we were going to get charged for that?

Mayor Cervenik – It could be an option, Mr. Chairman, Councilman Gruber, that would be one option. We have a meeting set up, I believe, Friday morning and I have a number of officials that are going to explain to us what we need to do with the new regulations for storm water runoff and control. That would definitely be an option. It could also be included in a real estate tax fee, real estate tax increase, if Council was to put that on the ballot and then let the City vote, let the residents vote on that.

Councilman Gruber – I know Lake County where Mentor and a few other suburbs are, they have the Lake County Storm Water District.

Mayor Cervenik – Yes.

Councilman Gruber – And that was mandated. Now is this something the State's telling us to do or is this your idea or a little of both?

Mayor Cervenik – The State EPA has mandated the expense to carryout their programs. As usual they don't also mandate to pay us to do those expenses, those, those tasks that need to be done. There are serious consequences if we do not perform those tasks. And I don't want to experience those consequences so, therefore, there are some things we can do to cut down on the costs of these items. There are some costs that we can't avoid. But it's not something I've made up. I don't care to make those kind of things up, but we do need to deal with them. We can't say just let it all go away it's gone. Like I said, when you see the cuts that would have to be made at 8%, they're pretty strategic.

Councilman Gruber – Thank you. Director Gulich, I have a question for you. I know we're looking for new development and everything ,but a gentleman earlier this evening said that our Waste Water Treatment Plant couldn't handle much more flow. Could you tell us what the average daily flow is and what the capacity of the sewage plant is, please?

Director Gulich – The average daily flow is something about 14, something along the lines of 14 million gallons a day. We have the capacity of about 25 million gallons a day.

Councilman Gruber – Okay, so we could support 120, 130 homes safety, Director, along with some other economic development?

Director Gulich – Yes, of course, we do have all kinds of runoff requirements. The Mayor just alluded to the EPA requirements that we are mandated to meet. So obviously, our engineers will

view all runoff very closely for any construction. We have our hillside ordinances and our other runoff ordinances that have to be met.

Councilman Gruber – And then, Councilman Daly had brought up the fact of September 11th. We do have a park in Euclid to commemorate that event. It is Heroes Park on Hero Drive off of Euclid Avenue. There's a plaque there and a playground that was built with volunteers and donations from the community about 2 weeks after the September 11th event. So if anyone would like to go and see the memorial for Flight 93 that's there, it's a nice way to maybe spend the day.

And then finally, question for Director Frey. Director Frey, what is the current cost of the Hillandale law suit to the people of the City of Euclid and where will that money come from?

Director Frey – As indicated, Councilman, today's Board of Control meeting our expense to date on defending that suit is approximately \$60,000. It was not budgeted for 2004. It will be, my understanding, we'll be coming to Council for a budget amendment and that will come from General Fund revenues.

Councilman Gruber – All right, thank you, and it's great to be back.

Councilwoman Holzheimer Gail – We've talked a lot about the budgeting process that's coming up now end of September, early October. Will part of that being also be reviewing our current budget where we're at? We just the possibility of an amendment or the necessity of an amendment. Can we expect a detailed?

Mayor Cervenik – Director Johnson reported at the directors meeting this morning that we really only have one amendment, we believe, and that will be the legal fees. There may be a small amendment in Recreation. That's pretty much it. We've been very careful in making sure. We've transferred some line items, but we've kept everything right within our appropriations or below our appropriations. In fact, I think for the most part we're slightly below spending, our spending levels and our income is hanging right there. So that will be part of it, absolutely.

Councilwoman Holzheimer Gail – And my other question has to do with the golf course and I noticed and you had indicated earlier that we're going out for new bids now. Could you provide us, not necessarily tonight, but with a detailed description of how the bids or how the project is changed? You mentioned the trellis. Could we have detailed review of what's changed?

Mayor Cervenik – Yeah, yes, you may. That you can.

Councilwoman Holzheimer Gail – I wanted to say there's, you know, we had a, we've had a very nice summer and I wanted to say thank you to the many neighborhood groups who invited me to their events. Thank you to the Parks and Rec. and other City programs. We had a great time at the pools and the parks and thank you to the many volunteers and staff who help make that happen, especially even outside of the City. The boys' league and the swim teams and the soccer in many cases are coached by volunteers, so thanks to everyone who is, was part of those efforts.

I also wanted to announce the PAL Night at the Races, which the Chief did earlier, Saturday, October 9th at Tizzano's. It's always a fun event and goes to a great cause. So I hope people will get tickets. I have tickets as well so I'd be happy to divvy those out.

And another event coming up, we all grumble and mumble about the school tax issues that are on the ballots. There's a group that's formed that's called The Citizens for Euclid Schools and they are holding a Public Education Forum on the State of School Funding – Present and Future, Sunday, September 19th, from 2-4. I'm told that's before the Browns game that day at the East Shore United Methodist Church, which is at 230002 Lake Shore Boulevard. The speakers will include our current State Rep. Ed Jerse; State Rep. candidates Beverly Valencic and Kenny Yucko; the Superintendent, Dr. Joffrey Jones; and the School Treasurer, Steve Vasek. There will also be time for questions and answers and I think it's an important issue for everyone in the community and I hope you will all join me in attending that. And I think that was it. Thank you.

Councilwoman Hufnagle – I want to start off by saying I received a phone call last week the message on the machine was garbled. I couldn't hear it. I returned the call to what I thought was the number, but the person did not call me back. So if there's a resident out there who hasn't heard from me, and you need me. Please call back again.

I also want to thank the Chief and the Mayor for working out the crossing guard issue. I want to thank you for the time that both of you spent in working on the issue. Taking the time to talk to me about it. I want to stress that we realize this is only until the end of the year. And perhaps we

can use this time to work with the school system to come up with a reasonable solution so that we don't have to address this issue when we don't have crossing guards at the beginning of the year. And I would certainly volunteer my effort in that.

I also, we, we gave out resolutions tonight to two Euclid teachers. I also want to congratulate at this time one of the High School's art teachers, her name is Meg Garbinkus. She has an art show going on right now through the end of the month. She invited me to the opening 2 weeks ago. It's at the Michael Stefan Salon in downtown Willoughby. She has some wonderful pieces of art. I mean it's just, it's truly an asset to the community and it's, the school system should take all bragging rights on that. She's got some wonderful talent. So I wanted to mention that and please stop in there and view that.

I also want to take a minute now to read an ordinance. Ordinance 255-1978 passed November 6 of 1978. Council should go into the Committee of the Whole at regular meetings pursuant to the order of business for the purpose of encouraging public participation in addressing Council and the Administration. The public shall speak to legislation on the agenda and to the good of the City, but no person shall speak for more than 5 minutes on either matter. Persons speaking shall remain polite, courteous at all times respecting the office being addressed and the decorum of the meeting. Vulgar or foul language in public remarks intending to embarrass or humiliate or which are personal in nature are at all times out of order. That's only part of it.

I merely wanted to state tonight that I do not condone nor do I ask that Mr. Meister be reprimanded this evening. I'm merely pointing out that we have not held to this ordinance and a precedent has been set at that microphone by many residents. In fact the resident that spoke this evening referred to a whole country in a derogatory manner, which is especially disturbing considering the mourning that that country is going through at this time. We've had other residents that have come to that podium and have accused us, several Council members of taking bribes. So the precedent has been set to not follow this ordinance and I'm merely suggesting at this time that we review this ordinance and either decide that we want to adhere to it or review it and make changes to it. Thank you.

President Sustarsic – Thank you and on that note...

Mayor Cervenik – Mr. Chairman, could I clear up one or two things that were addressed, if I could, okay? On the school guards, there was no magic involved. The budget was prepared and voted by this City Council noted by the Chief that there would be no school guards, only one Councilperson was concerned about to mention anything at the meeting about it, that was Councilwoman Hufnagle. After talking to a number of people, parents and getting some e-mails, I transferred money that was earmarked originally for non-union raises into the category of school crossing guards, which is enough to get us through the end of the year. There's no magic there. That was just changing priorities and we did that. It's going to be, the school crossing guards it is my intention will be proposed to you in the 2005 budget for the full year. It's up to you to decide if you want that continue with the full cost for one year as it stands right now is \$78,000. I don't know if we evaluated either the two new schools needing crossing guards or not. But if it was as last year, it was \$78,000. There's no magic there.

As far as Council meetings, Special Council meetings, it takes 3 members of Council to request a Special Council meeting or 1 Council person can ask me to request the meeting and we can have all the summer meetings you want if that's the case. There's nothing that the Council President needs to do. I think the Administration for the most part kept Council pretty up updated with the projects that were going through the City during the summer. I invited you all to come in. Some of you stopped by, some of you didn't. We've got a lot of things going on in spite the waiting or the supposed failures this summer. The Mall should be open this fall, should be open towards the end of September, Outlets USA. We worked very hard with Mr. Letsko on that. Doug Price and K & D Development have finished with the Parkwood Estates, it's called now. We met with him this week. We're going to vacate the street so he can have another gated community.

In my first memo to you this summer I talked to you about a company that we've been working with for quite a few months now with 190 jobs, \$5, 6 million-worth of equipment. That close to making the announcement that they will be here in the City of Euclid in an old, abandoned plant. We have another company that we've worked with over the past 60 days, 90 days that thought about leaving the State of Ohio; and with the help of Mr. Pietravoia and his staff, we've convinced him to stay here. Can't give you all the details, yet, because it has to do with landowners and their finances and all that. Those announcements will be forthcoming.

We had a very busy summer. In fact it was busier than I almost hoped it would be; but when you look back at what's happened this summer, at least from the Administration's point of view, it was a good summer. And the fruits of our labor are going to be paying off.

As we said, I would've loved to have the Baskins Robbins and Dunkin Donuts there, right now; but unfortunately, there's a lease clause in CVS's lease that gives them the right of first refusal for a building like that. Those are the things I've been saying for years that this City needs to understand. We can't control everything. We need cooperation from landlords and we'll work to get that. So I take offense that it was intimated that nothing was done this summer. We had a busy summer and if you didn't have a busy summer, hey, I could have used some help because we had a busy summer. And it's going to be a busy fall and it's going to be a busy winter and a busy spring. Like I said, the fruits of labor will show and we will be increasing our tax base. That's it.

President Sustarsic – Thank you very much and on that note...

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council