

**COUNCIL MINUTES  
SEPTEMBER 20, 2004**

The regular Council Meeting was held on Monday, September 20, 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

All Present.

Others Present: Mayor Cervenik, Law Director Frey, Service Director Gulich, Finance Director Johnson, CS&ED Director Pietravoia, Police Chief Maine, Fire Chief Cosgriff, Zoning Commissioner Torowski, Housing Manager Petkovic, Sgt.-at-Arms Nagy, Clerk of Council Cahill.

Invocation was given by Pastor Craig Bode of Bethlehem Lutheran Church.

**COMMUNICATIONS**

Council has received the following Communications:

A summary of legislation on tonight's agenda by Law Director Frey  
Finance Committee Reports from Finance Director Johnson

**COUNCIL MINUTES**

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

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik administered the Oath of Office to new Fire Chief Thomas Cosgriff.

Mayor Cervenik administered the Oath of Office to new Auxiliary Police Officers: Stephen Takacs Michael Tsevdos, Edmond Anderson, Paula Baranowski.

Mayor Cervenik announced the last day for Voter Registration is October 4<sup>th</sup> at 9 PM. Mayor Cervenik presented Res. 152-2004 & Res. 153-2004 to Mrs. Dorothy Fike, representative of the League of Women Voters. Res. 152-2004 designates September 19-25 & September 26-October 2, as Voter Registration Weeks in Euclid. Res. 153-2004 encourages voting by designating General Election Day, November 2, 2004 as "V.I.P. Day in Euclid – Vote! It's Patriotic!"

Mayor Cervenik presented Mrs. Ann Ferlito with Res. 141-2004. Mrs. Ferlito was the recipient of the Lander Circle Kiwanis Award for Teacher of the Year in the Orange School District.

Mayor Cervenik presented Res. 154-2004 to Mrs. Clevbar congratulating Cebars Euclid Tavern on its 25<sup>th</sup> Anniversary.

Mayor Cervenik thanked the Boy Scouts from Troops 161, 143, 367 for placing the 3,000 flags in front of the Library for the September 11<sup>th</sup> Memoriam.

Mayor Cervenik announced the grand-opening of Outlet USA at the Euclid Square Mall will be October 1<sup>st</sup> at 10:30.

The City of Euclid is sponsoring a Blood Drive, Tuesday, 9-21-04 at City Hall from 10 AM – 3 PM.

Former Mayor David Lynch has a new nationally syndicated television show. It's called the David Lynch Show and can be seen weekdays at 2 PM on Adelphia's Channel 10, the PAX Channel.

The Grand-Opening for the New Senior Center has been set for Sunday, October 24<sup>th</sup>. We'll have more details in the near future.

Mayor Cervenik encouraged residents to stop by the C.E. Orr Ice Arena to view the transformation that took place over the summer. New lighting, flooring, restrooms and locker facilities have all been upgraded.

Coach Charlie Malta from the Indian's Boy's League presented their sponsor, Tony Sustarsic with the trophy they received for an undefeated season.

#### REPORTS & COMMITTEE MINTUES

Councilwoman Holzheimer Gail moved to receive the Humane Officer's Report of August, 2004; Board of Control Minutes of 8/20/04 & 9/7/04. Councilman Gruber seconded. Yeas: Unanimous.

#### COMMITTEE OF THE WHOLE

Councilman Daly moved to go into the Committee of the Whole for Legislation Matters Only. Councilman Delaney seconded.

President Sustarsic - #1, Res. (165-04) will be tabled. #11, Ord. (196-04) will be pulled.

Councilman Delaney – I was just duly informed by the Mayor that these notes due to the short-term nature are un-callable. So a vote by Council would probably be redundant seeing that they will come up in 6 months. If my co-sponsor agrees, I'll agree to pull it tonight.

Councilman Langman – I would agree to pull that. Perhaps if Mr. Johnson can explain a little bit more about these types of notes and how they were floated, if he could.

Director Johnson – These notes we renewed. This is a single combined note. There were several notes that were rolled back in March. Some of the notes were previous year's. One of them was the \$1.2 million that was originally issued for the golf course project. The notes are due in March, 2005. They are not callable. Even if we wanted to retire them at this particular point, we cannot lawfully do that.

My intentions as I had stated to Council previously was that when this note did mature in March, our intentions were to retire this note and issue a new note for the new golf course project. As aside, even if we could retire this note, financially I don't think it would be advisable because we issued the note at 1.15% interest. Presently the proceeds of that note are investing at 1.48%. We would actually lose about \$1,400 in interest earnings if we could retire it at this particular point.

If there are any other questions, I'll be glad to answer them.

Mr. John Conway – 291 E. 276 St. I just have a couple of questions regarding Agenda item #12, which amends the annual appropriations for all expenditures for the City of Euclid for the period ending December 31, 2004. My first question regarding that agenda item is, how much money does this encompass to be appropriated at this time?

Director Johnson – Is that the only question or do you have more?

Mr. Conway – We can do one at a time.

Director Johnson – The funds are listed. The General Fund Appropriation would be increased from \$34,711,910 which is where we started. The only amendment to the General Fund is \$60,000 which brings that appropriation total to \$34,771,910. That's the only amendment to the General Fund which is \$60,000 that will be allocated to the Law Department for outside legal services. There is a list of other funds that we will amend the appropriation for. Some of them, a lot of them, are housekeeping issues. If you want me to go through the entire list, I can do that.

Mr. Conway – I'll jump to the next question then, but thank you very much. One is just an education question that I don't think most people understand. But what exactly is a Nuisance Abatement and why is it \$50,000? How is that calculated? I don't know what that is.

Mayor Cervenik – That is a program that I asked Council to expand this coming year. We've got a lot of nuisance abatements and vacant properties and people not cutting their grass. We just didn't have the funding available to do it the way we've done it in the past. So I requested of Council \$50,000 from the Sidewalk Revolving Fund be transferred into the Nuisance Abatement Fund. At some time in the future that money will be paid back as the users of this benefit or abatement fund pay off their charges for the grass cutting or cleaning or whatever, when they sell their home. That will go back into this fund and replenish it and keep it going. That was done, I believe we did that in February, sometime earlier this year and it has worked out very well. We've been able to get a lot of nuisances taken care of in the City.

Mr. Conway – It all has to do with vacant housing in the city?

Mayor Cervenik – Not all vacant housing. A lot of the grass cutting we will cite someone and cut that grass and then ticket them. They have the option of paying immediately, or if they refuse to pay, then we put it on their home.

Mr. Conway – Thank you. Wanted to talk a little bit about the \$60,000 transfer into the General Fund for outside legal services. I guess that money is being transferred from the revised revenue estimates. The \$60,000 it is all for outside legal counsel, correct?

Director Johnson – Yes.

Mr. Conway – The outside legal cost at this point, 100% of it is going towards the Hillandale issue? Or is there a breakdown between where it's being allocated?

Director Frey – In the Law Department budget, outside legal counsel expense includes money that was spent last year but paid this year for the defense of the drowning law suit to Gallagher Sharpe. There is money that was spent this year for labor and employment law matters to Dubin Kahn. Money that was spent this year in relationship to the zoning issue on Providence Baptist Church with Mansour Gavin. And then money spent in defending the law suit with Taft, Stettinius & Hollister. That amount spent in defense of the law suit has been \$60,000. That money was not initially budgeted for this year.

Mr. Conway – But the \$60,000 that's one there today is a combination of several different things, not just related to Hillandale?

Director Frey – There was a budget established for outside counsel. That outside counsel budget covered all of the things I just mentioned. It was short by the \$60,000 that we've spent to-date on Taft Stettinius.

Mr. Conway – Just two other real quick questions. Providence Baptist has already asked for two extensions at this point, is that correct?

Director Frey – Yes, I believe that's correct.

Mr. Conway – What is the action plan of the Law Department if it's either withdrawn by Providence Baptist Church or if Judge O'Malley actually dismisses the case as either premature or frivolous?

Director Frey – I'm not understanding your question.

Mr. Conway – If the law suit goes away, if they either request that it's dismissed without prejudice or it just gets dismissed by the Judge themselves. What is the recourse of the City to recoup the dollars that you are talking about that has been invested into this?

Director Frey - We can move the Court to assess costs. That's a rare occurrence that a Court would award that.

Mr. Conway – Okay, but is that something that the City would take action on?

Director Frey – We would talk with counsel about our prospects of doing so.

Mr. Conway – And it would be counsel's decision? I'm sorry I know I'm out of time. Counsel would decide whether or not to go back for it?

Director Frey – It would be our decision to make, yes. It would be our decision to make in consulting with our counsel on the matter.

Mr. Conway – Thank you.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. #12, answers bring up more questions. That money that we're supposed to recoup on the sale of the houses, is that how I get it? Or on the sale of the property, we recoup it then? Do we charge interest on that money, all the time we hold it until it's paid?

Mayor Cervenik – Some people pay right away, Mr. Berzinskas. Some people don't. If they refuse to pay, then we do go through the assessment process. When you go through the assessment process we will be made whole upon the sale or transfer of that property.

Mr. Berzinskas – So we do collect interest on the money?

Mayor Cervenik – We charge an administrative fee, a pretty stiff one, plus interest. Once it's assessed it's plus interest.

Mr. Berzinskas – I appreciate your working hard on it. Thank you.

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

#### LEGISLATION

##### **Res. (165-04) UDE 26110 Euclid Ave. Tabled**

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)

Councilman Gruber – I'd like to move to table this item agenda, pending further negotiations with the Economic Development Department and the owner of the property.

Councilman Gruber moved to table Res. (165-04). Councilman Langman seconded.

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

Res. Tabled.

##### **Ord. (187-04) Amend 13 & 7 to P&Z**

An ordinance amending Section 1359.06 of the Planning and Zoning Code and Chapter 785 of the Business Regulation and Taxation Code of the Codified Ordinances for the City of Euclid by the amendment of Sections 785.01 and 785.02 and the addition of Sections 785.06, 785.07, 785.08, 785.09, 785.10, and 785.11. (Sponsor Councilman Gruber by request of Police Chief)

Councilman Gruber moved for passage, Councilwoman Holzheimer Gail seconded.

Director Frey – Because this matter amends the Zoning Code, we've asked the Councilmen to refer this matter to the Planning & Zoning Commission. It would be a request of the Administration that this matter be sent to P&Z.

Councilwoman Mancuso moved Ord. (187-04) to the Planning & Zoning Commission. Councilman Gruber seconded.

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

To Planning & Zoning Commission

##### **Ord. 155-2004 (188-04)**

An ordinance amending Chapter 513 of the General Offenses Code of the Codified Ordinances of the City of Euclid by replacing Section 513.16 in its entirety. (Sponsored by Councilman Gruber by request of Police Chief)

Councilman Gruber moved for passage, Councilman Delaney seconded.

Councilman Gruber – I will defer to the Chief on this in a second. I would just like to say this might give another tool to the Police Dept. to help combat some of the items that were brought up at the last Council meeting by a citizen that felt they may have seen some illegal activity. This might give the Police an extra tool to deal with that. Chief, any further comments?

Chief Maine – I have some comments, but I'd like to defer to Mr. Frey our Law Director. He has some legal aspects that I think should be brought to light.

Director Frey – We had an ordinance as part of our drug enforcement law, Section 513.16 that was a model or pattern ordinance. There are several communities in this local area that have a similar ordinance. However, there was a decision from the 8<sup>th</sup> District Court of Appeals that the identical language that existed in the City of Cleveland’s Codified Ordinance was unconstitutional as vague. It did not provide a citizen with specific information as to what would constitute illegal activity under that ordinance.

I was contacted by members of the Police Department in regard to an enforcement action was taken in the City several months ago and wanted to charge under that ordinance and I suggested at that point that that ordinance needed to be re-worked. What you have in front of you tonight is that re-worked version.

It is my opinion that that satisfies the issues that were raised and decided in the case City of Cleveland vs. Stevens, decided in May 1994. That this ordinance as now written provides specific conduct on the part of an individual that would allow an officer in the Euclid Police Department to determine that that individual was in violation of the law specifically in aiding or loitering to aid drug possession activity and would recommend that this ordinance as amended be adopted. Chief.

Chief Maine – As you can see, this isn’t a new ordinance, its simply revision due to the legal interpretation by the 8<sup>th</sup> District. We have used this ordinance. It is a useful tool. It is not one that supplants simple loitering. There really has to be a strong suspicion of drug activity. So it can’t be used as a catch-all ordinance, but it is one to be used in an area where there is suspected drug activity going on.

So I think this will help strengthen any legal arguments that may come if somebody gets arrested for this. I would urge your passage, simply a housekeeping measure.

Councilwoman Mancuso – As the ordinance reads, you have a lot of behavioral things to look at, that are very objective. Other than 3, how do you act as a look-out? How are you going to determine that? Or how is somebody going to be able to say to you that’s what they are doing? The rest of them, I can see are very behavioral and you can say they did this. Act as a look-out. How would you, I don’t want to teach anybody anything, but?

Chief Maine –Having never acted as a look-out myself, I’m not quite sure. These things are not done simply as an individual. There’s a group that are acting and you can tell who the people are involved by the motions that they, the gestures that they make to the seller, warning him of the approach of somebody like the police. Its usually somebody who’s in the same place, at the same time, with the same people. It’s action in concert.

You’re asking for specifics. That’s about as specific as I can get.

Councilwoman Mancuso – that’s the only piece I was concerned with since that law suit did talk about the vagaries and that’s how they got themselves into trouble is by not being able to be very specific about the behavior they saw. While I think it’s a great tool and I also urge passage, I just don’t know what that means and it is going to be hard for your folks actually to have a citizen tell you.

Chief Maine – You have to remember that people you would be looking at for this kind of illegal drug activity are generally pretty well known to the Police Dept. We generally know who they are. This ordinance is here because you can’t actually, you don’t actually end up catching them with the drugs on their person. They know each other and we know who they are.

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

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

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

Passed.

**Ord. 156-2004 (189-04) Auction**

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to sell at a public auction all scrap items, including vehicles, no longer needed by the City of Euclid as shown on the attachment. (Sponsored by Councilman T. Sustarsic by request of Service Director)

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

Director Gulich – At our last Council Meeting allowed me to have a special police car auction bid, which we did have last Saturday. I would like to report that it was a success. We did get over \$13,000 for those vehicles. I don't believe it would have been possible to get anywhere near that had we had to strip them down with our own labor and put them into the regular auction.

This particular auction will be on Saturday, October 16<sup>th</sup> at 9 AM, at the John Piscitello Service Garage on Lakeland Blvd. It is open to the public. We do ask though if you will leave the kids at home. We have a lot of equipment on display here that we really can't police real well and we don't want the kids climbing over some of older equipment. I do invite the public to attend this auction. The ordinance does have a list of the items we will be auctioning. If there are any questions about anything on that list, I'll be glad to answer them.

Councilman T. Sustarsic – That money goes into the General Fund, correct?

Director Gulich – Correct.

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

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

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

Passed.

Council President Sustarsic left the room.

**Ord. 157-2004 (190a-04) CT Contract**

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to extend the contract with CT Consultants, Inc. (CT), 35000 Kaiser Court, Willoughby, Ohio 44094, for Building Department consulting services for the period of September 1, 2004 through December 31, 2005. (Sponsored by Mayor Cervenik)

Councilman Delaney moved for passage, Councilman Gruber seconded.

Director Pietravoia – This is a request for a contract extension for CT Consultants. They are providing our contractual building official services for the City of Euclid. You may recall back in April or May, Council passed CT Consultants contract with authority for \$28,000 at that time. We estimated that would bring up through the end of the calendar year.

What we have found is that we have come close to expending the \$28,000. However, in addition, we have also collected approximately \$13,000 in fees, with the new fee schedule that Council also put in place at that time. We're working with the Finance Department to establish a separate account keeping track of those fees that we've collected.

My point tonight is that with those fees collected, if they had been returned specifically to CT, we would have gone through the end of the year and probably beyond with the dollars and fees that we've collected. But, because those dollars go into the General Fund, at this time we need to extend the contract and use the dollars that are in the General Fund that have been collected for CT services through the end of the year and beyond.

I'd like to just comment briefly that we've had significant improvements in the Building Division since CT has been on-board. They've helped us to re-organize our staffing and responsibilities. This was particularly critical with some of the down-sizing that took place in the department. More importantly they've helped us in improving our turn-around time for permits and applications. We're now down to several days for simpler matters like fences and decks and approximately 10 business days, we try to stay within 10 business days for more major applications like new construction or additions. Which is a significant improvement over where we had been in the past.

CT has also helped up with our archiving of our old plans. If any of you have been through our offices in the past 6-8 months, you'll know that we have quite a bit of old plans that needed archiving. They've helped us set up a system to do that and to keep current with our filing of current plans that come in as well.

I'd also like to report that we've received positive feedback from applicants over the course of the past 5-6 months that CT has been in place. We still do occasionally get complaints, but it has been significantly reduced given the quicker turn around time that we're currently producing.

So tonight I'd like to recommend and I'd be happy to answer any questions you might have, but I'd like to recommend extending their contract not only through the end of this calendar, but through the end of 2005. We're looking to bring all our contractual services in Building on the same time frame. The union inspectors are on a contract through the end of 2005. Our Building Inspectors that are contractual are also through the end of 2005, which was recently approved by Council. We're looking for stability through that time period for all of our building services. That's our request this evening and as I've said, I'd be happy to answer any questions you might have.

Councilwoman Mancuso – Do we have a cap on this, how much we are going to do? I know it says \$70 per hour, but do you have a limit you want to go to? Or are we just going to pay?

Director Pietravoia – We did not establish a cap because of the unique arrangement here with the contract being offset by fees collected. It is difficult to establish what the total contract amount will be for the year and then how much the fees might be that we'll collect to offset that. We have some estimates on that, but if we put a specific number, we would be bound by that and might actually exceed it. We're estimating roughly \$100,000 for the services between building and that would include some of the zoning contractual services as well. For a 12 month period, roughly \$100,000.

Councilwoman Mancuso – In fees you expect to get what back?

Director Pietravoia – The fees will offset that between a minimum of \$35,000-\$40,000 in fees.

Councilwoman Mancuso – So we're not making any money, yet.

Director Pietravoia – Not yet. I would like to come back to Council after we've had a few more months under our belt to possibly reconsider the fee schedule to cover even more of the expenses associated with the building division.

Councilwoman Mancuso – We did increase it to begin with, didn't we? We were going to do a shorter turn around time, but the fees were going to go up because we were going to have them look at it and determine if they were correct.

Director Pietravoia – Yes, that's correct.

Councilwoman Mancuso – Have we gotten a lot of complaints about that? Or, are they just happy they are getting the permits?

Director Pietravoia – To my knowledge, we have not received complaints about the fee. This is pretty standard in most other communities in the area were already charging fees prior to Euclid putting them in place.

Councilman Delaney – Is there anyway that we can get an evaluation print-out to us? You did mention reorganization of the staff. Can we get an organizational chart as far as how that comes into play?

Director Pietravoia – Sure.

Councilman Delaney – If it's possible to maybe briefly explain the difference in the turn around time, what new things they brought to the table versus the old way? Also is there anyway to document the positive feedback and the complaints that are received? Do we keep track of that at all? Just as far as a customer service perk?

Director Pietravoia – We don't have a formal mechanism at this time to keep track of that. I did also discuss with Councilwoman Holzheimer Gail of that. When we're ready to consider this on a permanent basis, at the end of this contract, it would be appropriate to get the type of feedback that you're asking about. We could put something in place between now and then start keeping track of the compliments as well as any concerns that we get.

Councilman Delaney – I have received a lot of complaints, I think a lot more than previous years. But I also believe fortunately a lot of the residents understand and our patient with the new reorganization that is taking place. Your \$100,000 for a 12 month period, would you estimate that's a low-end figure, or a high-end figure?

Director Pietravoia – At this point, we're working on our budget projections for next year and that's the dollar figure that I'm estimating. I would say that's a pretty solid figure.

Councilman Langman – I'm sort of following up with Councilman Delaney's angle of questioning. Director Pietravoia or Director Johnson, is there a way to quantify the savings of this switch from doing it in-house to doing it, out-sourcing it? It could serve as a model for other ways to save money in the future, if the savings are significant enough.

Director Pietravoia – I have prepared estimates. The last full year that we had city staff employees providing these services was 2003. We spent about with benefits and salaries, fringes, we spent about \$130,000. That was for the Building Official and half of the Zoning Commissioner's time, which is comparable services.

That would compare to the \$100,000 that I was saying earlier for 12 months of service under the contract. If you also offset the fees that we expect to collect with the new fee schedule in place, that's where the savings of \$30,000-\$50,000 a year would come into play.

Councilman Langman – Is there anyway to quantify the efficiencies that you mentioned that CT has implemented as part of your cost savings analysis?

Director Pietravoia – The only way to do that practically would be to start documenting the intake and the time a permit was actually completed, the plan review. We do have that information, we haven't yet looked at it in the evaluation process.

Councilman Daly – I am receiving complaints regarding the Building Dept. as far as plan review. I was just curious how many complaints Councilman Delaney has received and have you forwarded them onto Mr. Pietravoia.

Councilman Delaney – I think I have 4 right now that are outstanding and I do keep in-touch with the people and they are patient waiting as I said before.

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

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

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

**Res. 158-2004 (191-04) Issue 2**

A resolution authorizing the Mayor of the City of Euclid to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the year 2005, and to execute contracts as required. (East 214 Street/Lake Shore Blvd. to South Lake Shore Blvd. sewer, water & pavement replacement). (Sponsored by Councilman T. Sustarsic by request of Service Director)

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

Director Gulich – Every year about this time we come to you for this authorization. We are asking Council to give the Mayor authority simply turn in these applications. This piece of legislation and the following three are the 4 projects we are proposing for the year 2005. Of course we won't know if we are successful on any of these applications until probably the end of December or the beginning of January. Then we would not be authorized to proceed by the Ohio Public Works Commission until after July 1, 2005. The City couldn't proceed into any contract and spend any money until it has met Council's approval.

This particular project is one we applied for last year and we've applied for in previous years. Currently it is on the contingency list. We're confident that this is a project that has a very excellent opportunity to move up in the 2005 year. Thank you.

Councilman Langman – Director Gulich, I just wanted to ask you, how long does it usually take for a project that we may identify to actually goes through the process until it actually gets funded, typically.

Director Gulich – We've got projects get funded as soon as, the first year we've applied. That's been the exception to the rule. One of the recent projects, we completed Beverly Hills Drive, I believe we got it in about the fourth try. So it is anywhere in there. Generally they do move up in priority with the Ohio Public Works Commission. Again we have gotten projects funded right out of the box on the first year although that is the exception to the rule.

Councilman Langman – Normally we have to go at it a couple of times before success.

Director Gulich – Correct. We do meet with the staff. As a matter of fact our engineers and myself will be meeting with a member of County Engineer's Office tomorrow and we are going to be fine-tuning our numbers yet again before we turn in these applications on Friday.

Councilman Langman – How does your staff go through the internal preparation process as to which ones are going for attempted funding and which ones that we can put on the back burner?

Director Gulich – We sit down with our engineers and we do study the reports generated by our Sewer Dept., where the problems are, where the pavement is bad, where the sewers are failing. We do study the merits with our engineers and we do attend the workshops that Issue 2 has and they do give us very good advice on which projects they feel merit attention.

Councilman Langman – We've talked about 248 Street numerous times since I've been on Council and the sewers are followed by rather large maple trees, etc. Have you had the opportunity to evaluate whether that street will be in line one of these cycles?

Director Gulich – That was one of the streets, I did ask the Sewer Dept. to prepare a report for. Right now we can document greater concerns on some of these other projects and obviously that's where we have to put our attempts. But again, we've funded over 30 projects since this method of financing. We are now in our 19<sup>th</sup> year. I think we're pretty close to \$30 million mark as far as the work we've been able to complete. Of course, we're going to keep plugging away.

Councilman T. Sustarsic – These projects, do they do the streets in concrete, like some of the other neighborhoods with the decorative lighting? Is that included as well?

Director Gulich – Correct.

Councilman Delaney – That is exactly what I was going to ask. Will it also include the brick-paving crosswalks that we've had and matching lampposts that have gone on in other infrastructure improvements?

Director Gulich – We've found out that even if you put \$2 million worth of work into the ground that no one sees, if you add these little niceties after the fact, people do see it, people do appreciate it and we do intend on keeping up that tradition.

Councilman Delaney – Are you going to stand by the \$2 million? Do you have an idea about what we might have to match with a project like this?

Director Gulich – All these projects are a combination. We are seeking 0% loans. We are seeking grant and we do have some portion of it that the City would be responsible for. Each one of these would have a slightly different mix. The upcoming 222 one which we are going to review next here, we do have some State grant money for that already we'll be able to apply.

Councilman Delaney – Any idea how much we'll have to borrow?

Director Gulich – When we do have some final numbers, I'll be glad to bring them to Council. Right now, we'll be tweaking them tomorrow.

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

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

**Res. 159-2004 (192-04) Issue 2**

A resolution authorizing the Mayor of the City of Euclid to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the year 2005, and to execute contracts as required. (East 222<sup>nd</sup> St. Reconstruction from I-90 to St. Clair Ave., and widening from St. Clair Ave. to Tungsten Rd.) (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilwoman Hufnagle moved for passage, Councilman Langman seconded.

Director Gulich – Same comments apply. If we had to name our one biggest bottle-neck in the City, this is probably the one everyone would agree upon here. We do have some State funds available that we will be applying to this. We have met with some of the Issue 2 staff already and again feel the project has very good merit. One of the things we'll attempt to do is get more head-room underneath that northerly overpass, railroad overpass.

Councilman Gruber – Some funding from the State would be available and this would help Lincoln Electric with its free-trade zone and the new business enterprise over there making Euclid a business friendly community?

Director Gulich – Yes, that's what we're working to do.

Councilman Langman – Is there any money available from the railroad regarding the railroad overpass since trucks get stuck under there every once in awhile?

Director Gulich – The railroad are not easy people to deal with. We've been done that road with the past administration. If we were going to wait for the railroad to get their checkbooks out, we'd never get anything done.

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

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

**Res. 160-2004 (193-04) Issue 2**

A resolution authorizing the Mayor of the City of Euclid to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the year 2005, and to execute contracts as required. (E. 195<sup>th</sup> St. from South Lake Shore Blvd. to Newton Ave., sewer, water and pavement replacement). (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Daly seconded.

Director Gulich – Same comments apply. A few years back we did apply for funds for East 197<sup>th</sup> Street and for East 195<sup>th</sup>. We were successful on 197<sup>th</sup>. 195<sup>th</sup> fell under the grade. Subsequent applications were again unsuccessful. We've met with Issue 2 people. We're tweaking the application a bit and again we feel that not only does this infrastructure need replacement, this project is a good candidate for funding.

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

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

Passed.

**Res. 161-2004 (194-04) Issue 2**

A resolution authorizing the Mayor of the City of Euclid to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the year 2005, and to execute contracts as required.

(Naumann Ave., from E. 200<sup>th</sup> St. to E. 185<sup>th</sup> St., sewer, water and pavement replacement.  
(Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilwoman Hufnagle moved for passage, Councilman Daly seconded.

Director Gulich – I believe it was in 1995 we were able to get funding for the other portion of Naumann Ave. east of E. 200. This infrastructure was built at the same time and is in approximately the same condition. We have had to do a number of emergency repairs on this stretch of Naumann. After meeting with Issue 2 people we felt this is a fine candidate for funding.

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

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

**Res. 162-2004 (195-04) Collection Taxes**

A resolution authorizing the Director of Finance of the City of Euclid to take advances on the collection of Real Estate Taxes and Personal Property Taxes. (Sponsored by entire City Council)

Councilwoman Holzheimer Gail moved for passage, Councilman Delaney seconded.

Director Johnson – This is a rather routine piece of legislation that's been placed in front of Council now for at least the last 8-10 years that I can recall. If there are any questions, I'll be glad to answer them.

Councilwoman Mancuso – For the public's benefit, do we have a limit on what we can take on an advance on the dollars that we are receiving or anticipating? Is there a limit?

Director Johnson – What the County does is they estimate what we will receive for the entire year in property taxes and they advance that in 12 monthly installments. We received a settlement, what's called a settlement at the end of every property tax collection, which is in January and June. So the settlement reconciles what we receive for the first 6 months and what we receive for the second six months to agree to what the totals are that we are going to get. Basically what this does is allow us to get our property taxes in 12 increments, as opposed to waiting twice year.

Councilman T. Sustarsic – Do we get charged interest at all? We're getting and advance on it.

Director Johnson – No, as a matter of fact, that's the reason for taking the advances. We get them monthly and then we can invest them ourselves. It is not a lot of money but we do take advantage of being able to invest them. The County does charge us to collect our property taxes. That's a course of matter.

Councilman Langman – Just for the folks at home, is what we're being advanced, is that our portion, or does that include the school's portion?

Director Johnson – That is only our portion of the property taxes. Also I might add for the benefit of the audience, these property taxes are property taxes that would be due and payable in the year 2005. These are not 2006 taxes. These advances are not for another fiscal year, they are for the current fiscal year.

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

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

Passed.

**Ord. (196-04) PULLED**

An ordinance directing the Director of Finance of the City of Euclid to pay to the holders of record of certain notes issued for the Golf Course Clubhouse Renovation, Ordinance 73-2003, the sum of Nine Hundred Seventeen Thousand Three Hundred Eighty Four and 48/100 (\$917,384.48) Dollars. (Sponsored by Councilmen Delaney and Langman)

Ord. (196-04) has been pulled by the sponsors.

**Ord. 163-2004 (200-04) Appropriation Amendment**

An emergency ordinance amending Ord. No. 44-2004, which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2004. (Sponsored by Mayor Cervenik and entire Council by request of Finance Director)

Councilman Daly moved for passage, Councilwoman Holzheimer Gail seconded.

Director Johnson – This is the amendment to our annual appropriation. We have discussed some of the issues earlier. I fully expect that this is the final amendment to this year's budget. The only major amendment of any consequence is the general fund which we are all paying close attention to. I think that's been explained. Some of the other issues are quite frankly bookkeeping or housekeeping measures. If there are any other questions, I'll be glad to answer them.

Councilman Delaney – Just out of curiosity some of the other departments, Mayor are our safety forces on target with overtime?

Mayor Cervenik – Yes, all the expenditures are within our projected budget. As I looked the last time, some of them are close, but both the Chiefs are taking steps to assure that we come out of this without making any further amendments. Unless something unforeseen happens and you would be notified right away, you are not going to get a last meeting in December request for more budget amendments. That's not how we do business here anymore.

Councilman Delaney – Director Gulich, snow removal, leaf pick-up, you're confident we're going to be okay with that?

Director Gulich – Right now I'm confident that the leaves will fall and the snow will follow closely behind. As Council is aware we've adapted a different system with our routine last year and we will continue to modify that. Unless every leaf falls all on the same day, we should be in pretty good shape.

Councilwoman Hufnagle – Even though there are several items here, we take care of them in one piece of legislation. Am I understanding that correctly?

Director Johnson – That's correct.

Councilwoman Hufnagle – The \$624 to the Shore Corporation. It says it was the balance to cover ceiling repair. That was not the whole bill on that?

Director Johnson – No, that wasn't. That was around \$1,300-\$1,500. This happened about in January or February and it was just before UpStage Players was going to perform and we had a ceiling leak in the auditorium. It had to be repaired. This \$624, what we did is exhaust all of the cash that is in this fund. This \$624 was not appropriated. What we're asking is to be able to use this last \$624, the balance of the money, I believe was taken out of Recreation Capital.

Councilwoman Hufnagle – There will be no money left in this fund after we pay this bill?

Director Johnson – This will zero it out, yes.

Councilwoman Hufnagle – The \$60,000 that we have in the outside legal services, I understand that we have a line item in our budget for outside legal services. Am I understanding correctly that we did not, this \$60,000 is going to pay for the Hillandale?

Director Frey – The \$60,000 is what we've spent to-date with representation on that case. We do have a line item in the budget for outside counsel. We never made an appropriation in the budget process for defense of that law suit. I indicated that at the Budget Hearings and the various Board of Control meetings we've had since were invoices from Taft & Stentinius have appeared on the agenda, I've indicated what our running total was. To-date it's \$60,000 for defense of that suit. This budget amendment coincidentally is in that amount, but we never budgeted for the defense of that law suit when we did 2004.

Councilwoman Hufnagle – Do we anticipate this is all the money that we will be spending on it?

Director Frey – I find that unlikely to be honest with you.

Councilwoman Hufnagle – So you would need to come to us again for another budget amendment?

Director Frey – We have money in the budget for outside legal counsel. I will have to do my best to manage with those remaining funds to cover our expenses.

Director Johnson – Along those lines, I've had extensive conversations with the Mayor and the Law Director. I would not feel comfortable increasing our General Fund, not another dollar. I believe this will totally exhaust our general fund. If we have some revenue items that come short, even by \$60,000, out of a \$34 million budget, we could be running a deficit in the fund. That's what this \$60,000 represents is a total exhaustion of any cash that I would anticipate to be left in the General Fund at the end of the year.

Councilwoman Hufnagle – In order to adequately defend ourselves, it is going to cost us some money. What have we done to prepare for that?

Mayor Cervenik – I think what the Law Director stated, is that we did have other monies budgeted. We had not expended all of those monies. We have not expended as much as we anticipated, and correct me if I'm wrong, on some of our labor contracts and items like that. So what we have to do is live within the appropriations, that we have now because as Director Johnson said, there is virtually no cash left in the General Fund. If nothing else happens we'll end up paying a house until next year. We can't spend money we do not have. I received a request for other budget amendments and we had to turn them down because we no longer have the General Fund surplus to make those payments.

Councilwoman Hufnagle – But if you're saying that we may not pay a bill until next year, are you anticipating that we're going to have a large influx of money that we're going to be able to pay this bill with if we can't pay it now? Or between now and the end of the year?

Mayor Cervenik – No, I'm not expecting a large influx of money, no I'm not.

Councilwoman Hufnagle – We have to have a plan for paying our legal services because we don't want to go to the "blue light special" of legal services to take care of our city needs.

Mayor Cervenik – I assure you we will not do that.

Councilwoman Hufnagle - I mean no disrespect to your profession, Mr. Law Director. I have one more question then, if a majority vote of Council can impose a fee to the residents to pay for garbage collection, can a majority vote of Council impose a fee to the residents to pay for legal services?

Mayor Cervenik – I would say no in that case. What we need to do is we've got budget hearings the 11<sup>th</sup>, second week in October, I believe the date is the 11<sup>th</sup> or right in there. We will present what we need to do and you can decide which scenario you want to go so that we can continue to provide the services that are needed. There's a lot of different things that we are going to try and do and they may not include a charge for trash collection at all. More will be forth coming.

Councilwoman Hufnagle – I understand that, but my concern is how we're going to pay for our legal services.

Mayor Cervenik – We will get it done.

Councilwoman Hufnagle – Thank you.

Councilwoman Holzheimer Gail – Director Johnson, you eluded to the revenues and if we're short in the revenues, even \$60,000 we're going to be in trouble. The revenue projections to-date have been on target. The last month, if I remember correctly, were a little bit higher than anticipated. Could you give us a brief summary of where we are with revenue as opposed to what we had expected.

Director Johnson – By and large revenue is on target. There are a couple of areas that are a little soft right now. Although we still have a quarter to turn that around. The income tax, if you follow the reports that I've passed out to Council, first three months were very scary. Next three months, we were all elated. Mr. Piorkowski wrote an article in the Sun Journal that happy times were here again. Then last month, the bottom fell out of it. This month, we're back up again. So, its touch and go. I'm still optimistic we'll make our projection. I'm optimistic that all department heads are going to stay within their budgets. We're monitoring all expenditures and keeping them in-line which is why you only have \$60,000 here in front of you tonight. I'm hopeful that we will end up on our feet, but in a \$34 million budget, I don't have the luxury of having a 1% error.

Councilwoman Holzheimer Gail – Thank you. I'm sure that when we begin the budget discussions in October we will start with the complete review of where we're at this year in each department and revenue-wise.

Mayor Cervenik – We have the Executive Committee scheduled for the 29<sup>th</sup> where we will talk about the employee benefit packages. I believe at the beginning of that meeting is where we're going to give you an overview of what's gone up to this point in 2004 and where we stand.

Councilman Daly – I have a question for the Law Director. Hypothetically, if a City loses a large lawsuit, take for example Mayfield Heights. It's been reported that their zoning issue could cost them as high as 8 million and the low end would be 3 million. Can a judge impose a fee on the residents of that community if that city did not have the money to pay for that lawsuit?

Director Frey – What would happen is the city would have to issue judgment bonds in that case. So it would increase, obviously, it would increase our debt ratio. You would have to issue bonds to pay that judgment.

Councilman Daly – You'd have to come up with the money.

Director Frey – Yes.

Councilman Daly – Thank you.

Councilman Delaney – Director Johnson, I did see that we did go up quite a bit in September, was it 247,000 over what was. Now after we borrowed the 2 million didn't the projection say at the end of the year we might be 700,000 up?

Director Johnson – No, I believe, Mr. Chairman, Councilman Delaney, I believe that the budget that we presented to Council in March projected that we would have about 93,000 left. And we've since revised that to this 60,000.

Councilman Langman – Director Johnson, you had mentioned in a couple memos the trouble we're having with CCA and the fluctuation of charges. Any idea why they seem to be much higher this year than in previous years?

Director Johnson – I've called Mr. Lynch at CCA and I've also written him a letter requesting a meeting with him to discuss this and several other issues that we have with CCA. To this date he has not responded to my phone calls or my letter. I intend to follow that up, but my overhead charges are about \$160,000 over what they were last year at this point. And at this pace my overhead charges could approach a half million dollars. I do want an explanation for that. I have not gotten it.

The rumor that I hear is that CCA is in the process of moving their offices. They're moving to new offices and they are buying totally new computer systems. And they are assessing unilaterally without a vote of member community, without any input from member communities they are unilaterally assessing member communities for these costs. I understand that they're supposed to be moving in October and it appears that's the only plausible explanation that I have as to why these costs have gone up this year over last year.

Councilman Langman – But you have received no information indicating that this is the reason?

Director Johnson – I've not received any confirmation of that and I've requested a meeting to, to define that as well as other issues that I have and I have not gotten a response at this point.

Councilman Langman – Have your colleagues in other communities seen similar, unexplained increases in their fees?

Director Johnson – I'm, I'm told that they are yes.

Councilman Langman – Mayor, you've mentioned that you would perhaps like to bring this function in house. Can you give us an update on the planning behind that or progress you're making?

Mayor Cervenik – It will be our intention to present that to you in October. It makes sense. We really felt back in November, December, January, February before we realized the increase we were going to receive this year from CCA for overhead, that we really felt that what we were being charged overhead in the prior year would be more than adequate to run a first-class, very organized, very aggressive income tax department in the City of Euclid. With this additional 160 and we just assume it will go up, it's a no brainer. We didn't really expect to save a lot of money collecting it ourselves. What we knew we would get at that point is a higher collection rate. We'd be able to concentrate on delinquencies more so than CCA does. But now with this additional 160,000, we will not only receive a savings for the operations; but we will still enjoy that increased collection. CCA's not going to be happy to hear us talking like this and probably is going to be a little less cooperative with it, but it needs to be on table because it is a very viable, viable alternative for the City of Euclid.

Councilman Langman – Thank you, Chairman.

Councilman Gruber – Director Johnson, when we got your memo, I was a little displeased with the CCA's reaction towards you because you had mentioned in there that you didn't get any response from them. I would like to ask the Mayor if maybe he could send a follow-up letter. We are a customer of this organization. We do pay them a lot of money. They do need to respond to us when we ask them questions. So if that doesn't work maybe there's some way we can withhold payment to them for their services or they take it right off the top?

Mayor Cervenik – They take it right off the top, Councilman, Mr. Chairman. But yes, I will make a phone call tomorrow as well as a follow-up letter.

Councilman Gruber – Or possible a resolution from this Council or something to get their attention.

Mayor Cervenik – That may not be a bad idea either.

Councilman Gruber – Thank you.

Mayor Cervenik – Thank you for your cooperation.

President Sustarsic – Are there any other questions or comments?

Councilman Delaney – I did have one more question. I lost the floor some how. I wanted to act the Law Director. Councilman Daly brought up the Costco lawsuit. Do you feel that judgment in a for-profit institution is analogous to what we're facing with a non-profit?

Director Frey – The, the issue there is the deprivation of use of the land. Obviously, a for-profit it is more likely to be an easy measure. The litigation in the Mayfield Heights matter has been exactly that. There is liability on the part of the City that's been established. The litigation is focused on what the value of the developer's damages were. In a commercial setting like that, it is probably easier to measure, but there is cost of materials, carrying cost to the land and the note. I think we talked about some of those items earlier.

I don't know what those dollar figures are, but I would certainly be willing to bet that the church has calculated that. And of course then, there are also the attorney fees that are, you know, you're subject to those as well in an action such as this that has been filed. So there are costs. I couldn't tell you what they are today. Certainly, I'm not privy to their, either their attorney fees that they've expended on behalf of their lawsuit or what they've calculated in carrying costs on the property or materials or so forth. I don't know what those are.

I don't think they're, I don't think when you talk about a commercial setting and this type setting that you can make a one to one connection, but I would guarantee you that they've made some calculation and it's probably a substantial number. I don't know what it is.

Councilman Delaney – Okay, thank you.

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

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

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

Nay: Hufnagle

Passed.

#### CEREMONIAL RESOLUTIONS

##### Res. 152-2004 (197-04)

A resolution to designate the weeks of September 19-25, 2004 and September 26-October 2, 2004 as “**Voter Registration Weeks in Euclid**”. (Sponsored by Mayor Cervenik and the entire Council)

##### Res. 153-2004 (198-04)

A resolution to designate General Election Day, November 2, 2004, as “**V.I.P. Day in Euclid – VOTE! IT’S PATRIOTIC!**” (Sponsored by Mayor Cervenik and the entire Council)

##### Res. 154-2004 (199-04)

A resolution of congratulations to **Cebars Euclid Tavern** on the celebration of its **25<sup>th</sup> Anniversary**. (Sponsored by Mayor Cervenik and the entire Council)

Councilman Sustarsic moved for passage; seconded by Councilwoman Mancuso.

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

#### COMMITTEE OF THE WHOLE

Councilman Delaney moved to go into the Committee of the Whole. Councilwoman Hufnagle seconded. Yeas: Unanimous.

Mr. Jerry Corbran – 24250 Maplewood Dr. In legislation 196-04, #11 tonight, there seemed to be some language there that seems to imply that the, that the new clubhouse over at Briardale Greens has already been constructed, but that once again prompts a question that I’ve been asking the Law Director over the past several months at this microphone and by e-mail. Was the legislation to renovate Knuth Center into a golf clubhouse facility and approved by Council and signed into law by Mayor Oyaski overturned? If so, what, by what authority granted by ordinance or statute?

Now I know that Mr. Frey was not the Law Director until the month following the December 8<sup>th</sup> Board of Control meeting where something unusual appeared to happen regarding the legislation. I’m asking was that action or inaction proper? Since that time, my recollection is the only legislation was 117-04 passed last May to hire an architect to prepare plans with a stranger worded passage and I quote for the renovation of the Briardale Greens Golf Course Clubhouse facilities. The key word here is renovation. The only way to interpret that statement is to say that the current tiny pro shop will be completely demolished and then renovated. That’s a pretty good trick.

In my opinion the only way legislation to build anything can be implemented is that it goes through the bidding process and submitted to Council for approval and signed by the Mayor as it happened last November 17, 2003. Mr. Frey, I patiently await your answer and you have my e-mail address. Thank you.

Mrs. Dorothy Fike –20271 Delaware Rd. And I’m going to ask the Service Director to help me because I wasn’t thinking about it. On Saturday, October 2<sup>nd</sup>, is the Euclid Creek Watershed Day and Euclid’s portion of this is, Mr. Gulich and I represent the City on Public Information/Public Information Committee for the Storm Water Phase II, U.S. E.P.A. Our portion of the project is to clean up Euclid Creek down by Euclid Central Middle School. And we will be meeting down at the parking lot at 10 o’clock and come prepared to go down into the creek and do some cleanup. Last year we cleaned up around Highland Road and we got bags and bags and bags of rubbish. And so this year that’s our project.

Now I don’t have too many flyers. There’s still a few out in the rack at the Receptionist’s Desk about it because other communities are doing other things and when are committee was meeting and another committee was going to collect motor oil. Last year they wouldn’t collect only their own

community. This year they're opening it up, but Mr. Gulich said we do it all the time, which I frankly didn't know. So if you would say what we do in Euclid, I would appreciate it.

Director Gulich – Thank you, Dorothy. Public information and public activity is just one small portion of the thing we call storm water management. This is the way we can educate our youths, educate ourselves and have a positive impact on the quality of life here in Euclid. Again, this day is Saturday, October 2<sup>nd</sup>, 2004. There's all kinds of activities throughout the Watershed area, specifically in Euclid along the creek, all along the middle school there. In other cities there'll be storm drain stenciling. Richmond Heights Service Department will be accepting used motor oil on that particular day. There's going to be actually a creek fishing demonstrations that day. A harvest and headwaters lunch, streamside stewardship contest and all of the public is welcome to take part in any or all of these activities. I have a name and a number here. If you don't get it, just call my office any time in the upcoming week or so, I'll be glad to give you that information. Our Watershed Coordinator is Lynn Garrity and her number is 216-524-6580, extension 16. She's looking to sign up any and all people willing helpers for this, what hopefully will be a great day for the Euclid Creek Watershed.

And to get back to Dorothy's specific question, although we do not accept used motor oil at any of our City facilities, there are a number of places in Euclid that do accept used motor oil. Please contact my office. That list does change from time-to-time. A number of places where you can go get your oil changed will accept oil from the public, generally. So if you're looking for a place, please call my office. We'll give you the most recent information on that. Thank you.

Mrs. Fike – Thank you, thank you.

Mr. Tod Guntner – 390 E. 257. First of all, congratulations, Chief Cosgriff, officially. Kind of thought when I came here tonight, it was a Euclid Edgecliff party. All of his neighbors were here. I used to be a neighbor of his and I was glad to see the great attendance.

Next, since our volunteers have gone back to school, we had quite a few student volunteers. We are, again, looking for volunteers. Specifically if you are a housewife and your kids have gone back to school, if you're recently unemployed or in between jobs or you have recently retired, I've got a great job for you. It doesn't pay anything, but as a lot of people will attest, including Councilman Gruber, it's the most fun you'll have not getting paid to work. We have cleaning and office day and evening hours available. If you'd like to contact me directly, you can do so Thursday or Friday during the day, say from 9 until 3 at the Shelter at 289-2057. That's area code 216. You can also reach me at home any time or by voice mail at 216-731-8336. So if you'd like to volunteer, if you'd like to come down and check us out and see what we're all about, we'd be happy to have you.

Next, Euclid Pet Pals would like to invite everyone to the 4 Paws Clam Jam & Boo Bash. This is our 2<sup>nd</sup> Annual Clambake and we've added a Halloween party. This is going to be Friday, October 29<sup>th</sup> at the Manor Party Center, 24111 Rockwell Drive, Euclid. Cocktails with an open bar are at 6:30; dinner is at 7:30. Music and dancing until midnight. There'll be raffles, prizes and fun for all. Costumes are optional. There will be prizes for the best. Dinner includes clam broth and chowder, a dozen clams, ½ of roasted chicken, candied sweet potatoes, corn on the cob, relish tray, rolls and butter, cake and beverages. The Manor prepares the clams and chicken separately. A vegetarian dinner of Eggplant Parmesan is also available. It will be the same price this year, no increase, \$40. And if you're a bona fide group, which there are many on the Euclid Website under neighborhood associations, we're offering a discount rate of \$35 for groups of 10 or more. So say Euclid City Council wanted to come as a group, there's 9 of you if you bring your spouses that constitutes a group of 10 or, hopefully, maybe 18 or 20, you're welcome to use that discount; but I hope you'd give us that extra \$5 anyway. But that is open to Euclid public organizations including the neighborhood associations.

Tickets will be ready approximately Friday. I do have order forms available. Mr. Gruber has order forms available. You can order tickets through the mail. You can order tickets through the Shelter, again, that number is 289-2057. My number is, again, 731-8336 and Jan's number is 732-9558. Call any one of us to order tickets. And this is going to be a lot bigger and better than last year and I know most of you were there last year and you had a great time.

Two Thursdays ago, our Animal Control Officer got a call of an injured animal on Rockwell. When she came back, she came back with a 5 or 6 year old Labrador Retriever with most of her tail hanging behind her. She also had a lot of injuries to her abdomen and hindquarters. The dog immediately went into emergency surgery and \$319 she came out with no internal injuries, no broken bones they just had to remove most of her tail. Now this is not a pretty sight to see and there's one person in this City I would like to thank. Her efforts were absolutely amazing. They were way above and beyond the call of duty and I appreciate her very much. She's the one that

called to let us know that this animal was injured. She came in to take a look at the dog. She told me that she was going to raise some money. I said, wow, that's great, 20, 30,50 bucks that's really going to go a long way. She came back 24 hours later with \$325. This is absolutely amazing. She got this money from her co-workers and what she didn't get she got from her employer. So at this time and I know I'm out of time, I'm sorry; but I'd like to thank from the bottom of my heart Jennifer Gruber for what she did for that animal and also Lake Erie Abrasives for the money that they put in to help this animal. That animal is doing fantastic. You need to come down and see her. Thank you.

Mr. John Conway – 291 E 276. First of all, congratulations on becoming chief, I'm sure we'll all be safe under your leadership. So congratulations and good luck.

Far too often in our City one issue has had the ability to divide the community. And nowhere has that been made more evident than the display that we all had to witness last Thursday, I'm sorry, last Money evening. Both from a display of unprofessionalism and, quite frankly, in a lot of people's belief borderline unethical behavior, again, that we had to witness last Monday when an attorney for the City chose to express his feelings at this very podium. Not only do I feel that he embarrassed himself, but he embarrassed the entire City when he labeled an entire group, 4400 concerned residents of Euclid, as racists. And I think it was very unfortunate thing that we all had to witness. It's my belief and it's many others beliefs that to form a true opinion of a person requires dialogue, sharing of ideas and observations of actions. Where we believe Mr. Meister erred was that you simply cannot taint an entire group of individuals within a city, the way that he did last week by calling all of the residents racists who oppose the Hillandale property.

What we've tried to do, and I think most of you are aware from day one, and we've attempted in a very consistent fashion. We've always stated that we felt that the proposed rezoning of the Hillandale property is not in the best for the long-term economic well being of the City of Euclid. It's our belief that we cannot simply afford to convert 23 acres into a tax-exempt status. Additionally, we've always believed and it's been our opinion that the owners and plan developers of the land parcels have really not satisfied the informational request of the citizens of Euclid, which certainly provided ample and sufficient reason for the referendum and the needing to add the two proposed ordinances on the November 2<sup>nd</sup> ballot.

Let us never forget, and a lot of people try to confuse the issue as to exactly what did the reference due, and it simply allowed the citizens of Euclid the ability to exercise their rights as outlined in our own City Charter and to use the power of their votes as their voice and determine the future economic liability of the Hillandale property and simply provide the final piece of the approval or rejection process on this project. That's all the referendum did was exercise the rights outlined in the City Charter. That simple.

Unfortunately, Mr. Cervenik, Mayor Cervenik, by not demanding a public apology from one of your employees, we feel that you've condoned his actions. We believe that you're fostering an environment that supports the pre-judging of all of those who oppose American Church Builders and Providence Baptist Church's plans as racially motivated. They say that timing is everything and as I've been doing my research into the City rules and regulations regarding displaying political yard signs, I came across the lawsuit you were very much a part of back in 1993.

President Sustarsic – Ah, Mr. Conway, if you could stick to the subject as far as you were speaking of Hillandale.

Mr. Conway – This is.

President Sustarsic – I don't think it necessary, though, to go after an individual for past performances.

Mr. Conway – Okay. What I simply want to ask the Mayor, if I can pose him a direct question? You remember in the case, Cleveland-area Border Realtors vs. the City of Euclid, you propose legislation about yard signs and realtor signs. And you remember the scrutiny that you personally came across. Was this racially motivated? What were your intentions behind legislation that you sponsored and that you thought was perfectly legitimate and had the support of the Council? What I'm simply appealing to you is you must remember as a leader of this City how that made you feel when your character was questioned about being a racist. That's exactly how we feel. The 4400 residents of Euclid who signed a referendum we're being constantly criticized at our entire opposition was racially motivated. So I simply bring this up as a reference point and some precedence that all too often a group of people are judged unfairly and I just wanted to bring up that case because I think you've been in that exact same position that we have been today.

The Hillandale rezoning needs to be truly an intelligent debate. It's about choices. It's no different than who you're going to choose between, for President between Bush and Kerry; for Senator Voinovich or Fingerhut or our own committee here or our own campaign here between Yuko and Valencic. It's a choice that the people are going to make at the ballot and that's all what it's ever been about. And I'm out of time. Thank you.

Mr. Mike Mihalich – 101 E. 202 St. The Euclid Awareness Committee fundraiser was a great success. The citizens of Euclid raised over \$3,000 for the Hillandale campaign and enjoyed a great evening of, hors d'oeuvres, cocktails, dancing and some great door prizes. I would also like to thank the following people who attended and made our fundraiser a success. I would like to thank the Irish, the Croatians, Italians, Africans, Hungarians, Slovenians, Jewish, Romanians, Germans, Polish, Baptists, Catholics, Lutherans and all the others in our community that made this event successful. I apologize if I left anybody out.

We live in a diverse City and most of us work well with others in order not to live in a divided community. However, the events of the last Council meeting prove the Administration, in general, the Law Department, in particular, would be better served if we were divided with one another. The lack of disciplinarian action, the comments and no comments from our so-called leaders has left little room for doubt on who they are siding with, with this preposterous lawsuit. Their misdeeds border on insubordination of the people and quite frankly, an act of treason on the citizens.

It is exceedingly clear that the, that an allegiance with the aggressors against the will of the people has been formed by our Administration. The Mayor speaks of layoffs for firefighters and police officers along with charging for streetlights, garbage pickup because of a budget crunch. He must begin by cleaning his own house of one attorney, who is no longer suitable for public display and unfit to perform the duties that he was hired to do. The Mayor and Law Director have acknowledged this fact when Mr. Meister was reassigned. If you don't act, who will? If you don't act now, then when? If it's not issue, then what will it take?

Make sure the Administration and all the Councilpersons know how you feel about this. You can either call, e-mail them, stop them while they're shopping; but they have to know how you feel about it. And one other thing, Mayor Cervenik, contrary to your beliefs the outcome of voting and elections do matter in all cases or perhaps you forgot why you spent a hundred thousand dollars last fall. Thank you.

President Sustarsic – Excuse me, Mr. Berzinskas, before you proceed, we'll take a 2-minute break in that they have to change the tape and then we'll be right back.

Mr. Dennis Berzinskas – 20890 S. Lakeshore Blvd. I was going to talk about other things, but I was copying some things down on the Internet and with your comments before we should be externally vigilant against attempts to express the opinions that we loath. Oliver Wendell Holmes, Jr. There is no more fundamental axiom of the American freedom then the familiar statement in a free country we punish the men for their crimes they commit, but never the opinions they have. Harry S. Truman, 1950. Read up.

Now, last Council meeting fellow citizen that I know, good man, I think he took the newspaper article of the accidental death of a felon a little extreme. The thing is the opinions expressed were the people not the interpretation of the paper. And when we start interpreting what people mean and then we're not getting the news. We're not getting the truth. I think with that we should get further education because you can see some of the people did not know what they were talking about. Guys, both of you, your men studied extremely hard. They're always testing to be the best they could be. You guys are Euclid's finest, thank you.

But what we have to do and we talked about voting on another subject. I've seen over the years things that have happened in this country, in this state, in this City. Taking away the right to vote from the citizens. Little over 15 years ago we sent out to our Congressmen and our Senators our opposition on being taxed, on being taxed for any item we sent through the mail out of state and on the Internet. Internet was smaller then. Well, about 3-1/2 years ago their heads got together so they bypassed our vote by going to the communities, all the communities and took away our right to vote. And the way they did it was on any item that you order through the Internet or through the mail on the end of the year you declare it on your income tax, taxation without representation. If the State was really their job, we'd have those businesses here in the state.

So really watch what's going on in the City. Watch what's going on in the state. Watch what's going on in the country. Pay attention who you're voting for because our rights are being taken over left and right. There's more people in this country with less rights than there were than I was born. We have a lot less than what we had years ago.

The other thing, Hillandale project, 12 years you were on Council in one form or another, Mr. Mayor. Was the zoning illegal then? I think the whole point is missed here. The point is a church

happened to buy a pig-in-a-poke. Over the years we've turned down any project up there. This City, even with the protest from the citizens, deemed it necessary to change that zoning. We asked them not to. They still did. So who are you working for? Are you working for the Cuyahoga County heads that really run this City and other cities? You know, maybe we didn't have that 3-year plan yet, the Bill Cervenik 3-year plan because they haven't given that to him yet. How do you spell that? The BS plan?

Ms. Deborah White – 1494 E. 196<sup>th</sup> St. I'd like to thank the Euclid Awareness Committee. First of all, I'm totally against the Hillandale project. I feel that it will not bring any revenue to our City. I believe we need more business to bring taxes and jobs to our City besides housing. We have enough vacant houses in our City right now as it is.

Also, I would like to thank the Euclid Awareness Committee for informing me on all of the new taxes that we're about to be charged with like the garbage pickup and the street light fees. I'm a single mother of 3 children and I just purchased my house in 2003. A month after I purchased my house I had a flood in my basement so I had to use my insurance. So therefore now, my mortgage is going to go up because of my insurance. I cannot afford to pay any more taxes. Thank you.

Mrs. Bernadette Walsh – 651 E. 266<sup>th</sup>. Maybe I should start by congratulating the Fire Chief that seems to be very popular tonight. He can save me any day of the week.

In these special days of awe the book of life is open for those of the Jewish faith. From Rosh Hashanah through the holiest of holy days, Yom Kippur, the insensitivity of Brian Meister is evident. He has offended not only the Jewish friends of the Council President, but all of those of the Jewish faith that heard his words, this at such a sacred time. His comments condemning citizens of not only anti-Semitism but racism combined with the full support of the Administration is an affront to the citizens of Euclid. We have been condemned with no chance for rebuttal, except for a moment at this sacred podium. We, the citizens, did not tarnish the podium as Ms. Hufnagle alludes. It was the City of Euclid, Law Department employee, who both tarnished the podium and tainted the pending legal case.

We, the citizens, speak freely for it is a democracy. We did not name call, point fingers or damage the reputation of those who live here. We do have an opinion and expressing it is allowed in a democracy. Mr. Meister was rewarded for his insensitivity. A man educated in the law but one who would damage by his example. He gives us time to think, to reason that he is one of many of the Administration that would voice such injustices. Instead of reassignment, he should first offer a public apology to the citizens of Euclid at the same podium he so readily tarnished. Then realizing the harm he has rendered, he should be forced to resign from all duties. Nothing less will satisfy the citizens.

For those that are familiar with the play, "Fiddler on the Roof", Tevye is forced to move his family from his beloved home in Anetevka as persecution from the town's leaders continues and grows worse. We the united citizens of Euclid need to make sure Euclid does not become the village of Anetevka. We cannot and shall not run from persecution or higher taxes. We need leadership. A great leader knows the art of negotiation to get what he needs so that the other side still feels important and worthwhile. A good leader knows the art of giving to get so the other side is part of the goal. A leader knows when to listen so that the opposition is heard. Where is the leadership in Euclid?

Ms. Ann Raukar – 246 E. 272<sup>nd</sup> St. Mayor Cervenik stated the U.S. Supreme Court has ruled it unconstitutional to keep churches out. The judge in this case should be informed of the questionable activities behind this deal. It was cut and, it was a cut and dry deal as to how much acreage was to be tax-free. It appears some newly elected politicians accepted these dictates. Has it, has it been proven the parishioners have the means to fulfill all standard requirements, which to date I as a taxpayer have no positive information? Some of the presentations from, presentations have been intimidating. This questionable type of doing business has not been acceptable to many citizens and, thus, the Euclid Awareness Committee. I am not a member, but I am a supporting fellow traveler.

The schools are going to ask for more money. Several companies are asking for tax abatement. I, as a hardworking taxpayers, don't want to be stuck by what may be a problem of others doings. I, like the rest of you, have bills to pay and don't like to see our taxes used foolishly.

Last Council meeting I spoke briefly of immigrants. Then I ran across an article that it was the third meeting of a forum immigration. President Hundert of Case Western University was optimistic our region has the ability to attract some foreign talent so the University can become a world-class learning center. I thought it was world class already; however, we are expect, exploring our jobs so talent may be hard to come by. Now talent has a reason to stay at home.

Chairman Ratner of Forest City Enterprises stated at the forum, America grew by more than 30 million people between 1980 and 2001, 2/3 of that growth was immigrants and their children. Well, fellas, that's another area, era, 20 and more years later. If immigrants don't bring jobs, please stay at home. Thank you.

Janet Santorelli – 560 Hemlock Dr. Franklin Delanor Roosevelt made this statement and I quote, in politics nothing happens by accident. If it happens, you can bet it was planned that way, unquote. These are all rhetorical questions. I really don't expect any answers to them. Were Brian Meister's false, slanderous, inflammatory, unfounded accusations and agitated behavior a political accident? Was Council President Sustarsic's failure to exercise his duty and responsibility as a neutral authority over Council proceedings a political accident? Was Mrs. Hufnagle's ability to produce a copy of a City ordinance concerning the demeanor, language and conduct of persons attending and/or speaking in Council Chambers a political accident? Mrs. Hufnagle recommended Brian Meister not be reprimanded. The rational being past, disruptive performances of speakers in Council Chambers had not been cited. I am in total agreement with her recommendation. Brian Meister should not be reprimanded; he should be fired. Was ex-Mayor Lynch's front and center appearance with client in tow coincidence or political accident? Lastly, is the Hillandale project with its far-reaching and unfavorable consequences, which will ultimately be detrimental to the future growth of this City a political accident?

As of the 2000 census the Black and African American population of this City was at 31%, percentile. This is now 4 years later. What's the percentile at this date? Do you know, any of you? It is inconceivable with this type of figure that you could openly accuse this City of bias and racism. It is quite obvious that you were representing a special faction group. It is time for this Administration to begin to represent all the people of this City and not outsiders who bring nothing to the table.

Mayor Cervenik, Council President Sustarsic and Brian Meister owe this City a public apology. Your accusations were volatile and highly offensive to all of us, be we Black, White or any other race inhabiting this City. And as we are speaking of apologies, this Administration along with ex-Pastor Owens of the Living Waters Church of God should humbly ask Mr. Ed Gudenas's pardon. You besmirched and soiled his good name and character, which in and of itself is unforgivable. And as I sense this, that no apology will be forthcoming allow me to speak for myself and all the others who feel as I do, we ask you to pardon us for our lack of courage to defend you and your right to your life. We are so very, very sorry. Thank you.

Ms. Rose Cleveland – 196<sup>th</sup> St. in Ward 4. I, too, am against the Hillandale project because I don't think it serves the best interest of the City of Euclid. Also, I'd like to thank the Euclid Awareness Committee for keeping me informed regarding our officials. I was here at this last meeting on September the 7<sup>th</sup> and at that time is when I decided to get more involved. I've been living in the City of Euclid for 18 years now. Is this working? Okay, that's it. I'll be brief.

Ms. Heather Kincaid – 23881 Devoe Ave. I have two things that I'd like to mention tonight. The first concern of mine is the fact that the newly opened Memorial Park Elementary School does not have flashing school zone lights to slow the cars down from racing down Babbitt. I've made 4 phone calls regarding this and was told that we are not going to get flashing school zone lights, nor are we going to be able to have a crossing guard for this year. After listening to all of these major issues that everybody is so concerned with here and the safety for the children I think should really take priority. I can't believe that A) the school zone lights are not already installed; and B) that obviously whoever is in charge, I know that it's the Police Chief and also the Mayor. I think that they should actually re-evaluate what they are looking at on their list in front of them and realize that the students that are going to the elementary school are all between the grade levels of Kindergarten through 5<sup>th</sup> grade. It is very important that they are able to go home and to school safely.

Also on my street, I did make phone calls also prior to coming here. Approximately 6 weeks ago my street has huge pot-holes in it because of water leaks that have happened over a number of months. I'm thinking that it is close to 5 this year. I have spoken to the water department. I did call also the road department, I'm not quite sure what the proper title of the department here is for Euclid, but I did call and talk to a gentleman on the phone. Its been, I'd say at least 4 weeks since I talked to him and he assured me that he was going to pass this on.

These pot-holes are still not repaired and they have huge orange barrels on them. One is close to the intersection of Devoe where it meets 250<sup>th</sup> Street. Also the other one is 240<sup>th</sup>, which is where a lot of the children stand to catch the school bus, or at least they did last year. Now that Memorial Park is opened, I believe that most of those students are walking again without flashing lights and without a crossing guard. But, nevertheless, we still have these orange barrels on our street and I

think it's a hazard to cars passing and to prevent any further necessary funds for legal fees, maybe we can try to keep our roads and our children safe. I will just leave these pictures here for whoever it is that is interested. Thank you.

Mrs. Rebecca Conway – 291 E. 276 St. On September 18<sup>th</sup> a petition began being circulated in opposition to new fees the Mayor has suggested to impose on us residents. The petition states: The below residents of the City of Euclid are not in agreement with the following fees: garbage pick-up fees, street lighting fees, rainwater fees, fire deployment fees in the case of motor vehicle accidents and any/or such fees that we the residents don't have a vote in the matter. Further we the residents feel any fees that would be enacted without the vote of the entire City of Euclid registered voters, would be taxation without representation.

In three days we have collected 342 signatures. We will continue to circulate the petition up until the City Council votes whether or not to impose these fees. I read in the paper that the Mayor was going to bring this legislation to the Council's matter to vote on in September. It is September, today is the last Council meeting for the month. There is no vote. Again, we've been told there will be a vote, there's no vote.

We've been told there was no money for crossing guards, now there's money for crossing guards. We were told in February, the plans to rehab Shore would be ready in May. But yet we have no plans.

The Mayor wanted to eliminate the Assistant Fire Chief position. Now we're keeping that position. The Mayor proposed a good plan for the golf course, but now there is no plan. I ask myself, does this Administration have any plan, any vision for Euclid and do the residents have any trust in this administration?

The Mayor campaigned on 5 key issues and promised the following. #1, to attract jobs to the City. Where are the jobs? #2, to protect safety and services. How are you protecting safety and service when you're threatening to lay off police and fire men, which in fact there's a union agreement, a contract with them. You lay them off, you're breaching their contract. That is a despicable scare tactic in my opinion. #3, to improve city schools. By imposing new fees it can diminish the success of passing the proposed March 2005 school levy. Do you honestly believe people can afford to pass another levy and pay new fees on top of it.

By adding fees and creating new taxes, it is not balancing the budget. When us residents do not get a vote in this matter, it is taxation without representation. As you said this evening, we have no money left in the general fund. If our finances are that awful, why didn't you call for a summer session meeting to discuss, to debate, to brainstorm with the Council? Why weren't meetings held discussing the Jefferson Wells Report that made over 50 recommendations on how our city can save money? Why are we waiting until October? Would you wait until the last possible minute to discuss your personal finances? I don't think so.

You promised financial accountability. Where is your accountability? It's been almost a year and we have not yet seen this elusive plan. Mr. Mayor, if you cannot handle the job, please step aside.

Mr. William Hilf – 891 E. 237 St. Euclid. I'm here also to discuss some of the things that happened at the last Council meeting and I first thought I would address the Council President since I think we have a little bit of a unique relationship as I am the first person under your leadership to be called Out of Order. I figured that it was apropos that I spoke about that.

I went to the City's website and reviewed exactly what I said that night. At no point did I actually mention by name any of the people that I had issues with that night, yet I was called Out of Order. I called nobody any names. I didn't refer to anybody by any slurs, as what happened this last meeting. I was given a lot less time than Mr. Meister.

Also, I thought it was interesting. I figured people up here are inferring that because people opposed this project because it is a black church it must be racism. I thought, I'm a tenant at Shore. I'm in favor of keeping Shore as a full-blown cultural center, all the rooms being used by different groups. Shore is home to lots of black churches. We've got probably close to half a dozen. We also have many arts groups. Different type of artists, performing, visual, all different types of arts. Arts people sometimes have a stereo-type of being somewhat alternative in their lifestyle. I was wondering, if I came up here because I thought some of you opposed Shore and called you racists, called you homophobes any of those types of slurs, I bet you my mic would have been cut in 10 seconds at least. And I'm not saying that, but just as an example.

The Mayor, through his comments in the paper, tacitly endorsed Mr. Meister's comments by saying that he was re-assigned only because of his position with the City and his position in regards to the law suit, but not because of his actual comments. That to me means well, he made a mistake that could affect the law suit, he has to be moved. To me really, he's getting more of a promotion of out it because think of it, he gets to work at the Prosecutor's Office on stuff that goes down to

Common Pleas. Which means that he doesn't have to come and attend any of the Committee Meetings, he doesn't have to attend any of the Council Meetings, which means he doesn't have to be here after hours. For him, I think a little bit of an easier job. For the Mayor and the Administration, I think you can be spared any embarrassment that maybe caused by Mr. Meister at any additional meetings, where if you don't feel he can control himself, he couldn't embarrass you again.

Also, as to the Council person who decided that they wanted to re-educate us as to what the City Statute is, an ordinance is, as to our behavior at this microphone. It sounds to me like, 1) this could be a plan to bring back that 2 minute rule that was discussed at the first Council meeting that at the end I was called out of order. I'm saying that if that happens, I will be back up here again to fight that. I thought those comments however were a bit hypocritical coming from that individual as when that Council person was a resident and sitting on this side of this railing, that council person had lots of opinions towards previous council members and was very happy to voice them. Including such things as saying that they would find their own ways to embarrass yourselves. That's directly off of the city's website.

Also made comments that the former Council President could only work with his little group of supporters. Which is kind of funny because I think that's all we've seen so far out of this Council majority for the most part. I want to remind everybody of the power of this podium. Because another thing that could have been referred from some of the comments was that the death of the young girl over at the pool happened under the former Council President's watch. This was a comment that was made by this now Council person. I thought that was kind of funny considering that it is actually the Administration's job to run those pools on a day-to-day basis.

This podium has a lot of power. People need to think about what they say before they come up here. I think it is very inappropriate for a city employee to come up here and blast the residents of the city and to get away with it. If I did that to any of you as a resident, and its been proven without even actually having to use any words that I can get my microphone cut off very quickly, it's ridiculous. An apology is owed to the City of Euclid because we don't need any more black eyes from the press and that's what we got out of this. Anytime TV cameras show up in this city, it is not a good thing.

One thing I will say from the behavior of members of this Council, excuse me, members of this Administration, that if you have a problem with a person, you don't need to come up here and call them a name at the podium. Come say it to their face if you have a problem, it has happened to me already. It seems that being a member of this Administration means never having to say your sorry to the citizens of Euclid. Thank you.

Mr. Tom Cooke – 25641 Edgecliff. I'll try to make this as brief as possible. Two weeks ago at the last Council Meeting I commented on the Euclid Sun Journal front page article regarding the police chase of a drug offender that ended in the death of that offender as he ran into the path of an oncoming police cruiser. Because of the skewed and inflammatory presentation of this event by the Euclid Sun Journal via Art McCoy, Black on Black Crime, the Communist Youth Brigade and total disregard for the safety and well being of the officer involved by printing his name in this article, I called upon the upper management of the Sun Journal to apologize to Police Chief Maine, the officer involved, Mayor Cervenik and the citizens of the City of Euclid.

Chief Maine, have you heard from the Euclid Sun Journal at all?

Chief Maine – No.

Mr. Cooke – Mayor Cervenik, have you heard anything from the Sun Journal?

Mayor Cervenik – No.

Mr. Cooke – City Council who represent the City of Euclid, have anybody here heard anything from the Sun Journal? I didn't think so. As of last Friday, I don't believe the individual officer involved also heard from the Sun Journal regarding this issue.

At this point one can only lead to believe that the Sun Journal is so arrogant that it refuses to acknowledge this request. The Sun Journal is thumbing its nose, not just to the Mayor of Euclid and the entire Euclid Police Dept., its holding its nose in the air and saying to the people of Euclid, who are you to question us, we owe you nothing, just buy our paper and shut up.

Make no mistake about it. This newspaper, the Euclid Sun Journal, in part directly shapes this community through articles it writes and opinions it regularly renders including political endorsements. It also frames who we are as a people, how we see ourselves and how people outside of Euclid see us. If you were a family who lived outside the State of Ohio soon to be transferred to Euclid because your new place of employment is now Euclid not knowing anything about Euclid,

can you imagine what your impression of Euclid would be if you read the front page article and saw a bunch of self-proclaimed communists marching around with banners proclaiming police brutality, Black-on Black Crime, the Revolutionary Community Youth Brigade. I can tell you what my wife would say if we were just moving here. I just can't repeat it in public much less public television.

This arrogant disregard for responsible journalism, the lack of accountability by the Sun Journal to its readers, the people of Euclid is symptomatic and pervasive in much of the media on a national level, i.e. Dan Rather and CBS, as well as on a local level.

This is no surprise to anyone who regularly reads newspapers or listens to radio and televised news programs. This must stop now. The City of Euclid has much to much at stake to have its future destroyed by a misguided newspaper. Again, I am calling on the Euclid Sun Journal to apologize to Police Chief Maine, the patrol officer involved, Mayor Cervenik and the residents of Euclid. I'm asking the Sun Journal for nothing more than to be responsible for what it prints.

Last Council Meeting I was sworn in to be on the Architectural Review Board. At that time Mayor Cervenik you asked me for a response and I didn't have any. It was because at that time I was still in shock of being asked to serve on that board. At this point I want to say thank you and I want you to know as much as City council and more important the residents of the City of Euclid that I take this appointment with the utmost seriousness and every decision I make on that board will be for and in the best interests of all residents involved, in particular those specific residents who are involved in specific projects. Thank you.

Mayor Cervenik – Tom, I just want you to know that that's the very reason you were appointed in the first place because we know that's how you're going to conduct yourself. Thank you and best of luck to you.

Mr. Victor Goodman – 20201 Glen Russ Lane. With all due respect, for nearly two weeks I have struggled with what words to use to express my utmost feelings of the events that took place in this chamber on September 7, 2004. Then after reviewing the Council tape, the words that would express most of what I felt were actually spoken by the Council President.

Quote, you know, I thought things were going well. As a matter of fact, things were going to well. I mean it. It was a very, very respectful crowd this evening. Everyone had respect for one another until this particular point in time. We refrain from charges, we refrain from name calling, we stuck to the issues. Which is supposed to be what a Council Meeting should be run. End quote.

With all due respect, Mr. Council President, who was the one that was calling the names? Who was the one that was making the charges? Who was the one that did not stick to the issues? And most importantly, who was the one that sat and did nothing?

With all due respect, the events of the night. Within 23 seconds of Mr. Meister's comments, he identified himself as a city official greatly involved in the Hillandale Project. At 40 seconds, Mr. Meister turned from you and this Council and started to preach directly to the audience. As Council President you should have interrupted him at once and directed his comments to Council. You did nothing. At 53 seconds, he attacked Euclid Awareness, who is one of the chief supporters of the School Levy for not knowing what they're doing. As Council President you should have again interrupted and instructed this gentleman to stick to issues and not name calling. You did nothing.

At 1 minute and 25 seconds still talking directly to the audience, he expounded anti-Semitic remarks. At 3 minutes he told us all, we were against the Baptist religion. At this point, you should have raised your gavel and told him he was completely and totally out of order. You sat and said nothing. At 3 minutes and 20 seconds, a female member of this audience broke silence and asked, who are you and where do you come from? At 3 minutes and 22 seconds, you finally made your first entry into the situation by admonishing the woman who had interrupted. You said, nothing to Mr. Meister.

Finally at 4 minutes and 3 seconds, Mr. Meister finally reached his goal by calling all those who opposed Hillandale racist. I'm sorry that I had to practice civil disobedience and speak out because no member of this Council or Administration spoke, reacted or did anything. So if our duly elected and appointed officials do nothing, then it is up to the people to do something and create action. And I did create action. You finally lifted your gavel and with fury brought it down upon me. I am convinced that if I and others had not spoken out, you would have allowed this gentleman his full 5 minutes to spew his hate and rhetoric as your actions proved.

That night this Council and Administration failed its Oath of Office to serve and protect the people. That night, the people had to protect and serve themselves. But the biggest hypocrisy of the night was yet to follow. I quote the Council President's opening final remarks. First of all I would like to apologize to 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.

My wife convinced me that the use of the word "friends" was political term and not personal. Sir, you never once brought your gavel down on Mr. Meister. If you are going to apologize to the

Jewish people for what you did not do, it would behoove you in the future not to bring your gavel down upon a member of the Jewish community. So that you understand my feelings clearly of the worth and value of your apology, all of your I would haves; all of your I should haves; all of your I could have dones; all of your I'm sorrys, apologies and regrets for your inactions fall upon deaf ears and guaranty that atrocities of the past will surely repeat.

In conclusion, I will answer the question. Who called names? Mr. Meister. Who did not stick to the issues? Mr. Meister. Who performed charges? Mr. Meister. And who did not perform his function one bit? Council President Gerald Sustarsic.

Mr. Joe Udovic – 21371 Naumann. On September 14<sup>th</sup> I received a letter from Fred's Club. It says thank you for your past assistance in helping us spread the word about Fred's Club a tutoring program incorporated. We are in need of volunteers to assist in this school year. These people are helping students in the Euclid School District grades 1-6. Any adult or high school student that has any time, if they would please contact Sherry at 731-5174 to volunteer for this program, I would very much appreciate it.

I do also want to talk about Mr. Brian Meister myself. But instead of handing out my opinions, I would like to ask some questions. Is Mr. Meister currently involved in a job-sharing program? I know he was transferred. Is he currently sharing a position with somebody else? Who is currently taken over Mr. Meister's position he held before he was transferred? How did this position open up all of a sudden? Was it a cute little magic wand waved up and all of a sudden, poof, here comes a job? I also read in the Mayor's comments in the paper about racism so I have some questions. We are going to talk about me for example. I am not racist. I want to know what Council President or the Mayor's criteria is for myself being a racist. How you judge somebody as they are being racist or not racist. What would lead you to believe that someone is racist? I support the EAC's vision over the Mayor's. I would like to have some answers to these questions.

Mr. Law Director Frey, did in your opinion Euclid Awareness follow the Charter of the City of Euclid which stated it is within our rights to put together a referendum for this November ballot before the electorate. I do believe that the citizens did their job. As elected officials you are here to support the Charter of the City of Euclid. Are you planning on burning the Charter at the next election? I would be very curious to know this. I know you burned the Observer some time ago, but I'm curious to know if you plan on throwing the Charter in the garbage now.

Mrs. Hufnagle, I do have a question for you. I was on your side when they were talking about making the incinerator plant into a concrete crushing plant. Okay. If that would have gone through and it became a concrete crushing plant, would you have started a group such as EAC to fight this plan? How would you feel if people were calling your group racist? You were against this concrete crushing plant just as much as I was. We both had the same concerns. These people have the same concerns now over what's happening on Hillandale. Let's all think about this before we start putting anybody's labels on people. Thank you.

Marc Roeder – 26380 Elinore Ave. - I waited until the end because mine is very personal. First of all I would like to say congratulations to Tom Cosgriff tonight. I've known Tom for the better part of 35 years and his family and I know they are as proud of him as I am.

My second item tonight is very personal. Second item tonight is this part of City Hall was built in the late 1980's when Tony Giunta was Mayor. Since that time according to what I've been able to come up with, the city has budgeted and spent the better part of \$350 million. With all of those dollars spent, we've never found the chump-change to make this room wheelchair accessible.

We build ramps on people's homes, but our own City Hall has been forgotten about. I grew up in Euclid. I own 4 homes in the City of Euclid that I pay taxes on. But I'm not worthy of being up there with you because we've never built a ramp to get me that ability. Those of you sitting on those chairs tonight have the opportunity to change that. Those of you that have been sitting on those chairs for a number of years should be ashamed of yourselves that it has never been corrected before now. I shouldn't have to feel like a second-class citizen because fate put me in this chair. Good night.

Mr. Eric Heinemeyer – 21751 Priday Ave. I'm here to make a few comments about the web page. It is still not getting updated regularly for Council Meeting Minutes and Agendas. Although Euclid Awareness Committee has generously posted the Agenda out on their website. This doesn't have to happen. With conditional programming meaning checking the system date against the date that is being displayed, you could have the web page know whether it needs to go for an agenda, whether it needs to get the Council Minutes. And whether or not a selection should be made at all. You could have a number of year's in the future listed out, so that it is only updated when there's a Council meeting that is not regularly scheduled. It's just taking to long.

Over the summer the web page was not updated even though I sent a request to the Webmaster on July 1<sup>st</sup>. It took 2 months for an update to happen. Also if you post it out on the web page like information about the properties that are able to be rented. Put a select and had a PDF that a secretary would maintain, you could see what days are available 24 hours a day versus having to wait and contact the Parks Dept., in particular, when they're at their job.

I went to go see about renting the facility or using a facility today and I came up here to City Hall and I ended up, I went to the Rec window, I couldn't do that there. That's another advantage of having that information tied into the Web page. You could have multiple people being able to update that by using the current technology that I know is available to Council, by putting together a PDF and having multiple people updating it.

It would just make the rental of facilities in the City much easier thereby increasing our revenue from those rentals. Basically that's all I wanted to say tonight.

Ms. Pearlitha Taylor – 1495 E. 193 St. I have a little cold so I apologize for that. But I had no intention of coming up here tonight. But as I sit in this room and I listen at all the proposals of the ordinance being made and nothing is for Ward 4. I see my Councilman sitting there and has nothing to say. We have been asking for street repairs, we ask for those decorative lights on our tree lawn, we was denied. He told us, no money. But yet a few months later, they were put up on Grand Blvd. and different areas.

I cannot believe, it wasn't Grand, but I can't remember the street, but it was put up. New street lights and new streets and sewer. In our ward, we have on 204, the street is awful. I called several times about having that street repaired. They come out and patch it up and say maybe in the spring or summer we will replace it. One of the residents have a sewer at the end of her street. It stay full of debris because all the water is running down at the end of the street. Sometimes she can't even get into her driveway. Councilman Gruber know the condition of the streets in Euclid and especially on the area of Heritage Park. We have talked about it several times, but yet money become available and we are not mentioned. What is wrong Councilman Gruber? Do you care about your ward?

Not only that, every ordinance you sponsor is mostly for the Police & Fire Department.

President Sustarsic – Mrs. Taylor I'd appreciate it if you ...

Mrs. Taylor – I understand you appreciate it.

President Sustarsic – Stick to something a little more constructive.

Mrs. Taylor – I'm talking about the ordinance. Why are you stopping me? Why didn't stop that city official last week when he was definitely out of order? Why didn't you stop him? But you don't want me to speak the truth.

President Sustarsic – This is not a debate.

Mrs. Taylor – This is not a debate. This is my councilman. I have asked him several times in the past about repairing streets. And not only that, you go talking about saying you have so much money set aside for cutting grass. But what happened to Ward 4, Councilman Gruber? Look at Euclid Ave. Most of the business around there, the grass is sky high. We have called the city about it. Nothing has been done. I'm pretty sure you pass that way. Look at Euclid Ave. period. And the Heritage Park and Ward 4 area. It look awful. Not one business coming in manicuring.

Then you talk about the Hillandale property. You bring it up that the city is broke. How do we know you broke? You just borrowed \$2 million. What happened to the \$2 million? I cannot understand what this Council, Council President and Mayor are trying to do. You show more favor to outsiders than you do to your citizens. I am encouraging everyone out there that live in the City of Euclid and also Ward 4, please come out and voice your opinion. Stop talking under you breath hoping that this happen. Come out and speak. If an 80 year old lady can come out and voice her opinion, what's wrong with you. Whatever happened to this city, it is your fault because you did not come out and voice your opinion. So please come out because things need to change in Euclid.

We call the police constantly about the children that's taken over our area in Ward 4. What do we do? They pass by, oh there's nothing we can do. We asked them can you at least find the parents and maybe we can stop all of this gang-banging in our area, selling drugs. Nothing has been done. I had two citizens that met with Weed & Seed and you know what they told us, they don't have enough police and they can't do that. They're just doing their best. But yet you said the City can afford 110 more houses. How? If you cannot control the problem you're having now, how can

you control some more. You talk about racist, look at yourself. The people that talk about race, they are racist.

Mrs. Madeline Scarniench – 1511 E. 221 St. I've been away for awhile. I guess I've missed some stuff. First I want to thank the new Fire Chief and our Chief of Police. Earlier this summer I was involved in a car accident and the police and the fire department were there right on time, very fast. My ride to the hospital was an experience. We really need new ambulance because I think I hurt more from that ride than the accident actually caused. I appreciate that they were there and they took great care of me and the people that were in the other car that was hurt and I hope that young lady is well because I left the hospital before she did.

Something that, excuse me. Something that I've noticed. Selective hearing. That happens a lot. A was away on vacation and I got home and I got to see the last Council Meeting on TV. Hadn't read anything in the paper or seen anything. As I sat there and I watched and I will not name the lady who spoke, but when she spoke, to me that was the racist remarks that were made. I said to my Dad, Oh Boy was that a wrong thing to say. Then poor Brian got up here very frustrated and tried to say what he wanted to say and I think it was selective hearing because everyone forgot what she said. He wasn't making slurs. If he was, then I must be drunk. Because I did not hear what everybody is saying that they heard. It was said before and the first thing he said as he was sitting at home and he heard what was said and it infuriated him.

Anybody who ever runs for office, you talk to people who work in this City all the time when you're running for office and they will tell you things that they don't get to say because they're afraid to speak their mind because of their job. He may not have done it the right way. He may have been upset and we've all been upset. But I think his heart was in the right place for what he was trying to say. If everybody would just go back and look at it and hear the whole thing and what was said before that made him come here. I don't know Brian anymore than I know most of the people here in the City, its just with dealings at different meetings. So it is not that Brian is a friend of mine. Please, listen to everything before you make judgments, because that's the only way you can make true judgments.

Someone said tonight about how we've always denied the projects at Hillandale. I'm not going to get into the Hillandale issue, but the last project I believe that was denied was a Mall that was supposed to be built and in its place we got Euclid Square Mall. Because of that, it was put to the City that well we'll put the screws to you and they would never sell the property. When they sold this property, sure it was okay to do what they needed to do, they sold the property. The bottom line of all of this comes down to what Planning & Zoning and Architectural Review Board are going to do. I commend the Mayor for putting Tom Cooke on Architectural Review. He's an architect. Makes sense to put people on boards who know what they're doing.

It is vital that whatever goes on up there, that we stick to our codes, just like anywhere else in this city. You have to stick to the codes. If we quit making exceptions, we won't have the problems people are looking at. Its because the boards make exceptions over and over, that has become the norm instead of the abnormal. It shouldn't be that way. Keep replacing people as their term is up with the proper people and maybe we'll get somewhere a little better, a little quicker and a little calmer. Thank you.

Mrs. Susan McGinn – 141 Sunnyclyff Dr. I followed the Hillandale proceedings, if you will, from way back when they were at Planning & Zoning. I'll never forget sitting on my couch at home listening to the attorney, I can't think of his name right now, one of the first things he did is threaten a law suit. He may not have said the exact words, but it was there. It was thrown out there right from the beginning. So there was going to be a law suit anyway you looked at it. Unfortunately our City Council did not do its job and listen to the citizens of the City, 4,400 who signed petitions. Prior to that there were 600, we turned in a petition for that.

There was only 4 members of Council that had the guts to stand up to this lousy project. That's what it is. They left many questions unanswered. The rest of you all succumbed to the scare tactic of a law suit. They were going to sue right from the beginning. The attorney started back in the Planning & Zoning stages. I take umbrage with the fact that you're really trying to put this on Euclid Awareness. Throwing out these numbers tonight is a scare tactic to the residents of this city. Don't be held hostage. Do not be held hostage. This is a bad project for our city. It is a bad project for the future of our city and our Council did not do their job. They voted for it because they were afraid of a law suit. Do not be held hostage to the fear of a law suit.

As far as Mr. Meister goes, he came right out and called us racist. I don't know what you're talking about selective hearing. He called the people of this city racist. He is an official that works for the city. He more or less defended the Church by praising Paul Taylor and Rodney Maiden. Maybe they are wonderful men, but he called the citizens of this city racist and for that he should be terminated. Thank you.

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

#### COUNCILMEN'S COMMENTS

Councilwoman Mancuso – First of all and I know Kathy Will is not here. Can we get some kind of an update on what the outcome of the Irish Festival was? How the city benefited? It seemed productive. I do know there are people who are very interested in coming back and working with us again. I hope we do everything in our power to make them comfortable and make them want to come back and work with us again and not put any undo obstructions in their way. Or that they feel, the rest of the dialogue should stay open, because they've helped us a great deal. They saved us a tremendous amount of money this past year and people still felt that they had some sort of a festival going on. I would ask that we get an update and some type of progress of what's going on and how we can enhance them to work with us again next year. So that they feel that they're also getting something.

On a second note, I would just ask that we bring the issue that we've been talking about to some resolution. I'm not sure Council members can do that. I think its up to the Administration to put closure on this for all of us.

Mayor Cervenik – Closure on which issue? There were a lot of issues.

Councilwoman Mancuso – On, on, on our attorney who had very bad conduct and misspoke as a City official. I think we're going to have more damage going on and less ability to work together if we don't put this to bed. And I think we as Council people can represent and hear and even though I still don't have my e-mail, I'm hearing very clearly from phone calls all kinds of day, night. In the grocery store late, I'm finding in the grocery store no matter how early it is and residents are very, very upset. We need to somehow heal this and bring closure to it and move on in a positive way. And I think it's up to this Administration to do that. And that's what I'm asking thank you.

Councilman Sustarsic – As the one woman who was out in the audience here spoke for, to the potholes on the road. They are pretty bad. They're dug out and I just put my car through it yesterday.

And Memorial Park, too, with the, our signalization program coming through can we getting new signals on Babbitt? Would it be possible to get 20 mph signals in there, at all?

Director Gulich – I'm not sure exactly what you're alluding to.

Councilman Sustarsic – Oh, Memorial Park School, the yellow flashing 20s.

Director Gulich – I don't know if the Chief wants to address that, but it is posted in accordance with all the State requirements and we are complying with all the laws. And I wish we had been over to cement those water holes already and although I understand just today there's another bad leak over there. Unfortunately, that resident might come home to find yet another one tomorrow. But I tell people having the orange barrels out there to think of it as a good sign because that means we're going to be out there cementing shortly. We don't want to waste any more cold patch than necessary.

Councilman Sustarsic – Right.

Director Gulich - We should be over there shortly and I hope this new leak isn't as bad as I hear.

Councilman Sustarsic – Hope not. But I'm just overwhelmed by this trophy and these guys from the Indians did a heck of a job this season. They went undefeated. I was real proud to back them. I played boys league when I was a kid, I mean, you learn sportsmanship and team work and I was happy to be a part of it in just a small way. I know a lot of my colleagues on the Council back teams too and they should be proud for all the help. Thank you.

President Sustarsic - And it's too bad that the Cleveland Indians couldn't have done as well as those Indians.

We have a couple meetings coming up. Budget hearings are timely set for October 11<sup>th</sup> and October 13<sup>th</sup>. If I might ask a question, October 11<sup>th</sup> being Columbus Day is there any problem with that as far as being a legal holiday or how does that work?

Mayor Cervenik – Can't do it on a holiday so whatever the next open day is let's book that date.

President Sustarsic – Okay.

Mayor Cervenik – Okay.

President Sustarsic – And then we have an Executive Committee meeting, which was mentioned early on, will be on Wednesday, September 29<sup>th</sup> at 7:00 p.m. and that will cover the Compensation Ordinance for the employees of the City of Euclid.

I also, along with everyone else, a very heartfelt congratulations to Chief Cosgriff. Our families have known each other for quite some time and you've been with the City for an appreciable amount of time, too, and the knowledge you bring to the position will be greatly appreciated and I'm sure giving to all our benefits. Thank you.

Councilman Daly – Couple things, last meeting a resident came forth and was decrying the lack of amenities that the City of Euclid offers. And I started writing down some of the amenities that we do offer. Five outdoor pools; you know, 18-hole golf course; a first rate library; you know, 4<sup>th</sup> of July display that, like no other; a brand new \$4 million senior center that's going to be opening up; ice arena. The list goes on and on. I don't know of many other suburbs that provides all the amenities that we do. And I just thought that part of the record needed to be corrected.

Back to some things about scare tactics. I don't believe anyone is using scare tactics. We have a zero balance now in our General Fund. We have no money. We needed to borrow the \$2 million just to cover the bills that we needed to pay this year. So it's not about scare tactics. Right now, you know, there's going to be tough choices, you know, at the budget hearing, you know, stay tuned. It's going to come down to hard choices that have to be made either, you know, some fees are instituted or some cuts are made. And at this point cuts may have to, I can't see how they cannot affect safety forces, which is something no one wants to do.

Comments were made about scare tactics revolving around the lawsuit that we're involved in. I think we need to start to focus in on what we're going to be voting on. We're going to be voting on two zoning issues and we need to cut through things that do not pertain to it. American Church Builders is not a party to this issue. It's just between Provident Baptist Church and the City of Euclid. Paul Taylor is not a party of this. Racism is not a party of this. What we need to do is focus in on what is going to be our legal basis for telling this church no. If Planning & Zoning would've voted no, it would have had to have a legal basis to do it. If this Council would've voted no, we would need a legal basis to justify it. And it's going to be the same legal standard held to the voters. If we vote it down, a judge will take that into account; but he's still going to look at by what legal basis we are doing that and I think it would help if everyone would start to address that part of this issue. What is the legal basis for telling Provident Baptist Church that owns that land that it is not reasonable for them to want to build a church on it. So and if we lose, I don't care how much we lose. We don't have any money. So I just wish we could cut through a lot of the things we talk about and get to the real crux of the matter. Thank you.

Councilman Delaney – Director Gulich, flipping back to the school zone, before the school closed was there a 20 mph speed limit posted on Babbitt Road?

Director Gulich – Boy, you're really testing my memory on that one. I don't believe so. Chief?

Chief Maine – I don't believe so either.

Director Gulich – I can double check that, but I don't believe so.

Councilman Delaney – And please check in if we should already have had one there. It would be helpful, especially if we don't have a crossing guard there yet.

And, again, to dovetail on the residents, I know that Councilman Langman worked on wheelchair access to this room last Council session. I would imagine it's been done every year since the ADA laws were handed down. Is there a plan? Do we have a number to make this ADA accessible? This room?

Mayor Cervenik – Yeah, absolutely.

Councilman Delaney – Can we see that? Can Council be copied these plans? And we can begin to look at this and find out what the costs are. That would be very helpful.

And the sewer on 204 that was brought up earlier by Miss Taylor, are you aware of that sewer?

Director Gulich – Sounds to me like we have a hydrobrake situation that's not hydrobraking correctly. I have a note here to investigate that. I wasn't aware of it.

Councilman Delaney – And for Law Director Frey, I've seen Jerry Corbran hand me those questions. I know he's handed you those questions and it's been months and months. Do you have answers to his questions regarding the golf course?

Director Frey – When I finish reviewing the research that's been done, I'll let Mr. Corbran know.

Councilman Delaney – Thank you, so it's ongoing. That's very good to hear.

And Council President, I think if we would have, it would be helpful to explain to Miss Taylor, I'd never thought I'd stick up for our Ward 4 Councilman, but it is the safety ordinances that are sponsored by request. That mean he did not write them. The Chiefs do need someone on Council to sponsor them and seeing that when we took office you appointed us to different committees. You appointed him to the Safety Committee and these came in by request, which Councilman Gruber didn't write; but that is what the procedure that we have to follow that in order to get a Director or Chief to be able to sponsor their business for the City. So clarify that, it might be good before meetings or every once in a while to bring that up when we do discuss the legislation matters. Thank you.

Councilman Gruber – I was going to make a comment similar to that. Whoever the chairman of the committee, such as, Public Service, that's why Councilman Sustarsic's name is on it. Whoever's the chairman of a specific jurisdiction that's who usually gets assigned the, the legislation piece.

Also, speaking of crosswalks and school guards and all that good stuff, how about up at Indian Hills? I've asked you several times. I know that Monte Carlo's on it and they said they'd be up there as soon as possible. The weather's been great. There is a great need up there for some new markings and I know you're on it and I appreciate getting up there as soon as possible if you could.

Director Gulich – Obviously what we've done with that striping, it's a busy crew right now with a number of different things going; but we're well aware of it and we will get it done.

Councilman Gruber – Thank you. And I'd like to elaborate on some comments made by a Ward 4 resident about infrastructure work and the like. Since I've been the Ward 4 Councilman, Euclid Avenue's been re-paved from one end to the other along with sidewalks and curbs; 193<sup>rd</sup> Street, the street that the person that was speaking on has been re-paved last year. Upper Valley Drive has been paved. Also, Beverly Hills Drive was paved with Issue 2 money and that's why the decorative lights were put up there. There was other monies involved. And the City of Euclid has spent probably more money in the Heritage Park area than any other area of the City of Euclid with the Fire Station 2, with the wall, with the addition of two parks. In fact, this summer the park on 193<sup>rd</sup> was one of the only two parks in the City that had Recreation supervisors for the kids to keep the bigger kids out of the park and to help maintain order in that area. Along with the news businesses, such as, Hertz; such as, J. D. Byrider; the Chinese restaurant; Fire Station 2. There's been a new McDonald's, a new Speedway, Powdermet is just on the edge of that district. Along with Perfect Image Photo Studio, which moved in the abandoned Credit Union building just a few weeks ago. When I took office, the entranceway to the City of Euclid, which I have pictures of and I'll be glad to share with anyone, was disgraceful. The sign was falling over. They had no landscape. There's no benches, no garbage cans. Now we have a good thing. We can't seem to keep the garbage cans empty because people are using them and that's a good thing. And I know Hank's done a great job of taking care of that.

The entranceway at the bottom of Upper Valley that welcomes you to Euclid is maintained by a private contractor on Euclid Avenue, free of charge, Dennis from Unique Concepts that does a wonderful job down there along with the Indian Hills homeowners, who actually own that property. That property at the bottom of Upper Valley is not City property. We do have the trash crew comes through once a week. They could come through every day and they won't be able to pick up all the trash. But there have been major improvements in that area and I'm pretty proud of all that area down there. And in the last year and a half I have not received a phone call from the President of the Heritage Park Association about any issues. So if any people down in Heritage Park area feel that you'd like to contact me, I know you know how to get a hold of me. I think that's it and thank you, Mr. Chairman.

Councilwoman Holzheimer Gail – Chief Maine, we swore in four new auxiliaries and I want to thank them for their service. Would you share with us how someone goes about becoming an

auxiliary police officer? Do they contact the Police Department? What's involved with that process?

Chief Maine – I'd be glad to, thank you. All they have to do is contact Mary Lou Jost, who is also our Records Room Supervisor as well as being the civilian director of the auxiliaries; and she'll be glad to make sure that they get an application. There's a background investigation they have to go through. And once they're sworn in there's some, some rather simple training that is involved before they're asked to participate in duties.

Councilwoman Holzheimer Gail – Thank you. I would also like to remind Council and City Directors and staff and the residents at large, that the Police Athletic League will be holding their Night at the Races, October 9<sup>th</sup> at Tizzano's. I have tickets or tickets can be purchased. They're \$25 a piece at the mini-station. It's a great event for a good cause and I'm happy to help get anyone tickets, who needs them.

I want to go back to the crosswalk issue and safety issues both at Memorial and Indian Hills. I'm hearing that we're working on getting striping done. Are there, and I've had a couple calls and I've e-mailed both Monte and Captain Nosse, and just curious, is there a process underway to figure out how we can improve the safety without crossing guards perhaps or other things we can do? Is there something that's in place or do we need to perhaps form a committee?

Chief Maine – Oh boy, another committee. I can't speak to the flashing guards, that's part of Director Gulich's purview. I know that they're expensive. Somewhere in the area of \$6-10,000, I think, for each set if I'm not mistaken. That's my understanding is that's not money we have right now. Maybe Director Gulich can speak to that. We are taking a look at whether a crossing guard needs to be there. We have no money for additional crossing guards. That's going to be a decision that, you know, the Administration and Council is going to have to decide on. Right now we don't have the people to put there, but we're willing, but we're in the process of assessing whether does that, does that school in that area need a crossing guard as opposed to one of the other schools that has one. So if we, we may have to take one from another area if we decide that that one needs more protection. So that's about...

Councilwoman Holzheimer Gail – But there is something, I mean, we are doing traffic counts.

Chief Maine – Correct.

Councilwoman Holzheimer Gail - Or making sure we get the data of the number of kids who are walking and at each intersection, that kind of thing?

Chief Maine – Right, we are. And in the meantime we're having our radar units and our patrol units give that area particular attention because we know that there's a lot of, even if they're not crossing the street, there's a lot of young kids in that area between the school and the park.

Councilwoman Holzheimer Gail – And I also want to congratulate Chief Cosgriff and wish you best wishes on what I know will be a successful and productive career. I look forward to working with you and I'm happy to help in anyway.

Chief Cosgriff – Thank you.

Councilwoman Hufnagle – We had a resident comment about our Web page and our agenda on it. I don't know who's responsibility it is to put the agenda on the Web page. I believe that it's Regina's responsibility to type the agenda. If it is or it isn't, that's not what I want to address.

What I merely want to say is that the other day I called Council office and Regina, it's my understanding is our employee, and called her and asked her to do something. And Regina couldn't do it because, she said, you know, very politely, can I call you back because I'm answering the Switchboard. And the Switchboard, I probably believe, is not Regina's responsibility and this is a case of asking our employees to do more. So I want to thank, Regina, she did in a very timely manner accomplish what I asked her to do; but we need to remember that there are going to be areas that just aren't taken care of in a timely manner. And today I called, I'm not at home, so I called the general City number trying to be directed to who I wanted to speak to, and I got a recording that there was no one available to answer the phone. And I'm just pointing out that this is what we're dealing with. Doing more with less, and sometimes not taking care of things in a timely manner. And I do appreciate Regina taking care of these things. And like I said, I believe she's our

employee and I think that she's probably very generously taking on a few other tasks as is Ann Miller, who takes care of our requests when Regina isn't available.

I want to take ask a question about the golf course legislation that we had that we pulled this evening. I had a conversation with a resident about a month ago and I'm not clear on the time. The resident was under the impression that we were using that money for other things, not the golf course. That the Mayor, the Administration was shuffling that money into another fund to pay for something and she was very specific as to where she got this idea and it was from one of my colleagues that met with a group of residents in a house. Now, I'm quite sure that that's probably not going on because it's probably not legal to use that money for something that we didn't mark it for and I would like clarification on that tonight. Where is that money? If not using it for the golf course, are we paying something else for it?

Director Jackson – I am bound by law to use that money specifically for the golf course and the renovation of that building. We are not allowed to use that money for any other purpose. As a matter of fact, even more specifically because Councilman Delaney challenged the thought of even using that money for a new clubhouse building is the reason why I'm suggesting that we retire that note and issue a totally brand new note for the new construction.

Councilwoman Hufnagle – Well, then I'm sure that the resident misunderstood my colleague because I'm sure that we would not want to give out misinformation like that.

Secondly, since the billboard was scheduled to be put into my ward, it was mentioned in the paper last week that that was an issue the Mayor dropped and that we could have that million dollars to add to our budget. I would like a clarification so that the residents that have called me and want to know that this billboard is not going to be an issue again. That it wasn't dropped by the Mayor and I remembered correctly because I went back and checked the minutes. We were not allowed to put it there by the State of Ohio, correct?

Mayor Cervenik – That is correct. Shortly after assuming the office of Mayor, we received notification from the Ohio Department of Transportation that the sign that had been proposed and discussed previously did not merit and, the warrants that are required. There was a number of them. I can forward to you that letter. It was not done by this Administration, you know, it just didn't meet the guidelines. Some of it had to do with the new work they did. A lot of it just had to do with where it was. So, no, the Administration did not squelch that plan.

Councilwoman Hufnagle – Thank you.

Mayor Cervenik – You're welcome.

Councilwoman Hufnagle – The issue's done?

Mayor Cervenik – The issue is done.

Councilwoman Hufnagle – Thank you.

Mayor Cervenik – Yes.

Councilwoman Hufnagle – And on the issue of the crossing guards, I know that, Chief, I e-mailed last week and I asked you if there was a criteria for evaluating whether or not these two schools needed a crossing guard. And I've not heard from you, but I know that you're working on it because you're concerned about it. I was told and I'm not saying it was accurate, but I was told that there are 50 children that are crossing at Memorial. So I would think that would warrant it but I know I'll leave that up to your department. My question being, I'm sorry I'm out of time, my questions being that if we don't have, we don't have half-day kindergarten so our guards aren't working the middle of the day, does that afford us some leeway into adding the guards perhaps where they're needed. And I know that's an issue that you'll look at. And I know that Mr. Gulich, you and I talked about the fact that the light coming out of Memorial is so short and that's what's causing a lot of problems and I know that you committed to me that you and Monte Carlo are working on that.

And, Chief, congratulations, and I want to thank your department, you took care of my father-in-law last week. And I want to thank you for the way the men handled, Forest Park was evacuated last week because they thought they had a gas leak, outstanding job. And I apologize, Mr. Chairman, for using more time. Thank you.

Councilman Langman – First of all, congratulations, Tom Cosgriff. I know you do a great job in the position. It's well deserved. Director Gulich, thank you for taking care of the potholes on 245, they were pretty severe, real bike-rim benders definitely. And I know you'll take care of those ones on the Boulevard also.

And now for the matter at hand. Law Director Frey, concerning Mr. Meister, how did you come up with the disciplinary action that was reported in the paper. I made the comments that I made in the paper. I made the comments. I talked to Mr. Meister. I reassigned him and that's really all the more I'm going to discuss on that. It's a personnel matter. It has been handled. I believe it's been handled effectively and, really, there's nothing more to discuss. He is not assigned to the Planning & Zoning or Architect Review matters any longer and another attorney will be sitting in on those meetings.

Councilman Langman – Was there a position created in the Prosecutor's Office for Mr. Meister to be reassigned to?

Director Frey – There are four attorneys in the Law Department. There were four attorneys before; there are four attorneys now. Nothing new has occurred. Duties were reassigned.

Councilman Langman – Okay. So to me, sitting here, it seems like just a slap on the wrist given the gravity of his attacks on the citizens of this City. And for the Administration to tacitly, in essence, approve of that is really shocking. All of us have the privilege of serving the residents of this City. Along with that comes a great deal of responsibility. I believe Mr. Meister violated his duties by speaking out like he did, not technically, but as an employee of the citizens of this City. Now from every bad good can come. Mayor, you had an opportunity to make good with that, and we talked about that; and you chose to say nothing. Let your comments in the newspaper stand. Again, it gives tacit approval of the attacks he made on the citizens of this City. To call somebody a racist or anti-Semite is quite severe. They should not be thrown around lightly just as homophobia should not be thrown around lightly. And yet it seems that officially we have made light of the situation. That is wrong. Just as racism itself is absolutely intolerable, especially coming from the leaders of this community. So it is intolerable that we would tolerate attacks that are reckless in nature and, basically, untrue. So I think that instead of taking the opportunity to unite the community, we in fact add to the division and, ultimately, the responsibility lies with the Mayor.

#### ADJOURNMENT

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

Attest:

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Clerk of Council

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President of Council