

**SPECIAL COUNCIL MEETING
THURSDAY, OCTOBER 28, 2004**

At the call of Mayor Cervenik, a Special Council Meeting was held on Thursday, October 28, 2004 at 4:00 PM in the Euclid City Hall Council Chamber. President Sustarsic presided.

This meeting convened in public session and then by roll call vote, recessed to Executive Session pursuant to Section 125.05(C) of the Euclid Codified Ordinances to discuss pending litigation, to wit:

Agenda: Res. (236-04) A resolution authorizing the Director of Law of the City of Euclid to release the Proposed Consent Judgment entry in the case of Providence Baptist Church v. City of Euclid, pending in the United States District Court in case 1:04CV0746, to any interested party. (Sponsored by Mayor Cervenik and all member of Council)

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

Councilwoman Holzheimer Gail moved to excuse Councilman Langman and Councilwoman Mancuso. Councilman Gruber seconded. Yeas: Unanimous.

Others Present: Law Director Frey, Finance Director Johnson, Clerk of Council Cahill.

Councilman Gruber moved to go into Executive Session. Councilwoman Hufnagle seconded.
Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Sustarsic, Sustarsic
Into Executive Session.

Councilwoman Holzheimer Gail moved to reconvene. Councilman Gruber seconded. Yeas: Unanimous.

Res. 184-2004 (236a-04) Records Release

A resolution authorizing the Director of Law of the City of Euclid to release the Proposed Consent Judgment entry in the case of Providence Baptist Church v. City of Euclid, pending in the United States District Court in case 1:04CV0746, to any interested party. (Sponsored by Mayor Cervenik and all member of Council)

Councilman Gruber moved for passage, Councilman Delaney seconded.

Director Frey – Thank you. Chairman, Members of Council, I'd ask first to correct a typographical error in Section 1 of the authorizing legislation. The Section 1 should read: That this Council waives any and all privileges in regard to the Proposed Consent Judgment entry in the case of Providence Baptist Church v. City of Euclid, and authorizes the Director of Law of the City of Euclid to release it, instead of the, to any interested party as a public record.

If Council approves this Resolution, the Proposed Consent Judgment entry filed, not filed, delivered to the City along with the exhibits, would be released as a public document to any and all interested parties. As Council's aware, there is a public records request that has been delivered to the City on October 25, 2004, asking for all settlement, among other documents, all settlement agreements in connection with this case.

Councilwoman Holzheimer Gail moved to amend Res. (236-04) as read by the Law Director. Councilman T. Sustarsic seconded.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Sustarsic, Sustarsic
Amendment passes.

President Sustarsic – So, on voting for the Resolution, if you could call the roll.

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

President Sustarsic – This concludes the Special Council Meeting. We'll see you sometime at a regular Council Meeting.

ADJOURNMENT

Councilman Gruber moved to adjourn. Councilman Daly seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council