

**COUNCIL MINUTES  
DECEMBER 6, 2004**

The regular City Council meeting was held on Monday, December 6, 2004 at 7 PM in the Euclid City Hall Council Chamber. President Sustarsic presided.

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

All Present.

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

**COUNCIL MINUTES**

Councilman Gruber moved to approve the Council Minutes of 11/15/04. Councilwoman Hufnagle seconded. Yeas: Unanimous.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik presented Res. 198-2004 declaring December 6, 2004 at "Rick Case Bikes For Kids Day" in the City of Euclid.

Director Gulich – Welcome to our new seating arrangement. It's been discussed time and time again. It was almost two years ago Councilman Langman's committee met, we came up with a number of alternatives. Most of them involved re-creating the world up here. We didn't want to spend a whole lot of money. This was the most inexpensive way to go and we have Council turned around. It will take a little getting used to. But we're used to looking at them and you're not.

We did get going on the handicap ramp. It is under construction, so bear with us. That should be fully complete by our next Council Meeting.

Summer Sprinkling. Anybody out there that's already signed up for summer sprinkling, you're fine. Any new residents we have here, someone has heard about it or wants to get signed up, you do have until the end of the month. I think you're all familiar with the summer sprinkling program by now. Anybody who is not, can call the Service Dept. for details. The only thing I want to mention is you are not guaranteed a savings. You actually do need to use more water during the summer months than in the winter months in order to realize a savings.

Third. Leaf pick-up. Yes, we're out there picking up leaves. I see my Superintendent out in the audience this evening. He's been working very hard, his people have been working very hard to get us caught up with the leaves. We will be out all week this week and all week next week picking up leaves with our crews. We are currently actually in Monday's section on a Monday. After the 13<sup>th</sup>, we will need to outfit our trucks for snowplowing and for salt distribution. We will not have any leaf pick-up after the 17<sup>th</sup>. If you bag them, any week is leaf pickup. We ask that you do get them raked out as soon as possible. We will get through the City one more time. As of tonight, hopefully we'll be able to double back and catch a little more, but we do need to re-commission those trucks for salt spreading after the week of the 13<sup>th</sup>. Again, if there's any questions, please call the Service Dept. and we can give you details if you need more of them.

Fourth. We proposed the budget to Council and the City earlier this fall. One of the things we proposed doing away with is curbside recycling. Unfortunately I'm here with great regret informing everyone as of January 1<sup>st</sup>, the City will not be doing curbside recycling. It is \$150,000 budget line item. We proposed that to Council. We have not acted on that budget as yet, of course. But that is the plan at this time. We certainly don't want to do away with recycling. We are currently working with the County Consortium, Abitibi, Caraustar, Waste Management and again the County Consortium. We will have drop off recycling. We are currently working out those details. When we have those details all worked out, we will do a city-wide mailing giving all the details on where you'll be able to take your recyclables to. City-wide recycling will give out all those details, but as of now I'm here to tell you that as of January 1<sup>st</sup>, we will no longer do curbside recycling and I deliver that message with great regret.

Director Will – I would like to take this time on behalf of the Shore Cultural Centre Corporation to invite everybody this weekend to Silhouette Productions of a Christmas Carol. The play will be performed Friday and Saturday evening at 7:00 PM and a matinee on Saturday at 2:00. If you are interested are want to purchase tickets, you can call the Shore Corporation Office at 289-8107.

I'd also like to remind everybody that on Saturday, January 29<sup>th</sup>, the Euclid Chamber of Commerce will be hosting their Annual Winterfest at Shore Cultural Centre. They'll have a chili cook-off; 9 holes of golf at Briardale Greens; snowball softball in Memorial Park; disk golf at Sims Park and new this year a snowman making contest. If anybody is interested in getting together a team or being a part of the chili cook off, you can call the Chamber office at 731-9322.

I'd like to invite all the residents to the Euclid Sports Plant any Saturday morning from now until the end of February. We have over 400 children that are participating in our Youth Basketball program from ages 5 to 13. Any Saturday morning from 8 until Noon you can come over there and check out one of the courts and see how much fun all the youth are having in the City of Euclid.

Chief Maine – I would just like to announce the Police Dept. has got its new website up and operating. I would like to thank Sgt. Savage from our Community Policing Unit along with Office Roose and Chris Baranowski who is with our Auxiliary Unit, for putting a lot of hours and effort into making this, I think a pretty good website. It is very interactive, it gives people the opportunities to file certain kinds of complaints so that they don't have to come to the Police Station or ask for an officer to come to their house. It allows for certain kinds of complaints to be given anonymously and it also provides a number of e-mail opportunities if you need to get a hold of somebody from a particular unit. It will also have a lot of up-to-date activities, sponsored by the department either with PAL or our Community Policing Unit, or Auxiliaries and a number of other organizations that are affiliated with the Police Dept. It is [www.euclidpd.org](http://www.euclidpd.org). Visit it soon and visit it often.

Director Frey – Council President, members of Council, residents of the city. As you are aware on November 17<sup>th</sup> the City settled the lawsuit filed by Providence Baptist Church. Much as been written and said about the wisdom of the development project for the area known as Hillandale. What Council knows and the residents should hear, is that the decision to settle the lawsuit was based upon negotiations with Providence Baptist Church and careful consideration of the city's options.

It was no easy decision given the result of the November 2<sup>nd</sup> vote on the rezoning issues. However the election did not and could not decide the question before the Federal Court. That question went to the core of our zoning scheme and was a challenge to the Constitutionality of the Zoning Code.

The decision made was not made without help of outside experts. To address the lawsuit, I retained attorneys with more than 60 years of municipal law experience, much dealing with land use and zoning matters. They recommended to me and retained as a member of the defense team, a land use planner. Combined, this group had almost 100 years of experience and were working on behalf of the City. All three of the professionals the city retained, came to the conclusion that we had one viable choice. That choice was to negotiate with the property owners and get the best deal that the city could obtain.

As a first step, the question had to be answered, if light industry use was reasonable for the property. The facts show that the only development proposed for that property in an industrial or commercial nature was speculative and required over a million dollars of city investment. Significantly years past without that plan ever coming to life. No other plan was proposed until Providence Baptist Church acquired the property and came to the city with plans to develop a full service church facility and a single family home development adjacent to it.

Looking at the plan for the church and the homes, we went through the minutes from the Planning & Zoning meeting and the public discussions before Council and from those minutes we made a list of objectives that had to be part of any settlement agreement. That list included quality homes, these have a price point that start at \$191,000 and go up. We needed to achieve a size of structure that was going to move the city forward and in fact have in the agreement the overall size requirement for the homes to be at 2,000 sq. ft. or more. That's the overall average of the homes.

We needed elevations and features that were consistent with upscale new home developments. We needed to protect the city. We insisted that there not be tax abatement for any of those properties. We insisted on open marketing, so that anyone and everyone could see the development that was going on in the city and be part of the city's future. Significantly we saw to it that no city funds were invested in this development.

We obtained from the Church a concession that approximately 3 acres of land would be carved off the non-taxable church site and devoted to later commercial use. That commercial use subject to review and approval by the City.

We obtained almost 6 acres, 5.7 acres to be more precise, to add to the Hillandale Park for passive recreational use. There is also the ability to use over 6 acres of land that will be owned by the Church and the residential properties for public use. That will improve the parking and access to the Hillandale Park and allow for recreational use of a walking trail along the bluff.

The building specifications for the Church are included in the Court Order. There had been many discussions involving the property on 147<sup>th</sup> & Lake Shore. That will not happen given the fact

that the building plans, the materials to be used and the specifications including the engineering drawings are all part and parcel of the Court Order.

All of this was done to ensure development that is good for Euclid. By settling, we avoided spending approximately \$150,000 more dollars at trial and on appeal and we believe with little chance of success. We avoided the real risk of damages and paying attorney fees that could have exceeded \$2,000,000.

We avoided risk to other projects, to the lakefront development, to our streets and sewers capital projects and by keeping our financing options available, we can finance our infrastructure needs and not finance a settlement, a damage award, in this case.

The easy choice would have been to do nothing and let the case go to trial and on appeal. The hard choice, I believe, was the right choice in this case and it was to settle this lawsuit. In the end, it was in all of our best interests. We win with the settlement that we believe will be a catalyst for economic growth in the southeast quadrant of our city.

I think it's important to look at the facts of this development, look at the facts of the law suit, and to recognize that what the Mayor asked me to do as Law Director was to analyze the case to propose an outcome for that case that would best serve all of us for years to come. I think and I believe strongly that we achieved that in this settlement. It is a Court Order that ensures the kind and quality of development for which we will be proud and I believe will help push our city forward both in upscale housing stock and showing that we are a place that is accepting of new residents and new growth and that we really do mean that we will grow and we mean business in the city. Mayor, thank you. Members of Council thank you for your time.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Humane Officer's Report of November, 2004; Fire Report of October, 2004; Recreation Commission Minutes of October 26, 2004; Board of Control Minutes of 11-8-04; 11-15-04 and 11-22-04. Councilwoman Mancuso seconded. Yeas: Unanimous.

#### COMMITTEE OF THE WHOLE

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

President Sustarsic – At this particular point we are going into the Committee of the Whole for Legislative Matters Only. A few notes, #1 on the Agenda, again, this is the portion of the meeting where you address issues on the agenda. #1, is a Public Hearing that will be scheduled for the next Council Meeting. That's December 20<sup>th</sup>. The second item, the ordinance to vacate Knuth Ave., is similarly a public hearing. There will be the necessary requirement of 6 weeks to advertise for that particular vacation, so consequently Council will not hear that until January 18<sup>th</sup>, 2005. #3, that will be a first reading and no action will be taken on that this evening.

Director Pietravoia – Before we begin, I just wanted to make a notation on #2. While a Public Hearing does need to be scheduled, we anticipate that can be at the December 20<sup>th</sup> meeting because we have the consent of all the adjacent property owners. Therefore we will not have to go forward with the six weeks of advertisement. It will not be discussed tonight, but we anticipate the hearing will be the December 20<sup>th</sup> meeting.

Mrs. Madeline Scarniench – 1511 E. 221 St. First of all, it is really nice to see everybody. Councilman Langman's Committee did a good job in figuring out how to create this and it looks like it has been done very simply. I welcome seeing everybody looking at us.

Two things, #7 on the Agenda. About the towers. Is there anywhere in our ordinances that says how many we're going to allow in Memorial Park. I couldn't find anything so if there is something, I would appreciate knowing what it is. I just envision all of these different companies coming in and our park is going to look like a whole bunch of towers and that's not what it was intended for.

#9, will that be going into Committee about the residency? Or will that be voted on tonight? Don't know, okay. Everybody knows my feeling on residency. I think this is wonderful that this is finally coming to fruition and I hope everybody on Council agrees with it and goes forward because as I've said, many, many times before, just because you don't live in a city, doesn't mean you don't give it its all. Thank you.

Mrs. Rebecca Conway – 291 E. 276 Street. My question is on #9. I see that Councilman Tony Sustarsic sponsored it. Could you explain a little bit about what that entails and why we're getting rid of the residency requirements?

Councilman T. Sustarsic – My opinion, what I wanted to do with this was number one, give our employees the choice. Our non-union employees have had a lot of cuts in the last few years. They haven't received raises at all. This gives them an opportunity, if they'd like to move elsewhere, if that would make them happy. The main thing is it gives the administration the power to hire staff from within the northeast Ohio area as opposed to just being in the Euclid area. It gives them more of a drawing pool that they can hire the best employees. I really think this is a way to raise the bar so that we can get the best employees.

Mrs. Conway – This is for the non-union people?

Councilman T. Sustarsic – Just the non-union people. We can't open union contracts unless they want to come to the negotiating table. They are all locked up until the end of 2005.

Mr. Erik Heinemeyer – 21751 Priday Ave. Since you mentioned that it is only for the non-union people, and I was going to point out that in the notes say that basically the union contracts override this section of our ordinance. It might be fairer if everybody would be able to have residence or non-residence capability at the same time or vice versa. I wanted to make sure that it was understood that as you said it only for non-union employees and that without the unions coming and asking for their contract to be re-opened or the Mayor asking for their contract to be re-opened that they will not be able to enjoy the benefit.

Councilman T. Sustarsic – Currently as it is, I believe most of the unions, they have an 8 and out clause where they work 8 years for the city and they are allowed to move out of the city after 8 years. Our current full time employees that were hired after, what would the date be? I know some of them were grandfathered in that they get the 8 years and out. Some of the newer employees, they are not allowed to move out of the city whatsoever, they don't have any clause. So, this gives them an opportunity as well because I think it kind of makes it a little bit more fair for them.

Councilman T. Sustarsic moved to rise and report. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

#### LEGISLATION

##### **Ord. (178-04) Vacate Miller**

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

Public Hearing on December 20, 2004.

##### **Ord. (222-04) Vacate Knuth**

An ordinance to vacate Knuth Avenue in its entirety from Tungsten Road to E. 260<sup>th</sup> Street. (Sponsored by Mayor Cervenik)

Public Hearing on December 20, 2004

##### **Res. (244-04) UDE 1451 E. 193St.**

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Codified Ordinances of the City of Euclid, to Victoria S. Whitmore to allow a U-4 (Retail/Wholesale) use in a U-5 (Commercial) Use District, at 1451 East 193<sup>rd</sup> Street, Permanent Parcel No. 646-23-080. (Sponsored by Planning & Zoning Commission)

First Reading.

##### **Ord. 206-2004 (241-04) Sale Incinerator Property**

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into a Purchase Agreement/Project Agreement with Calabrese Enterprises, Inc., for the sale of approximately 7.8494 acres of municipal property located at 27700 Lakeland Boulevard (P.P. No. 648-16-001), the site of the former incinerator plant, and further described in Exhibit A and Exhibit B attached hereto, in the amount of \$350,000.00. (Sponsored by Mayor Cervenik and Councilwoman Hufnagle)

Councilwoman Hufnagle moved for passage, Councilman Daly seconded.

Director Pietravoia – This matter was discussed in detail a week ago at the November 29<sup>th</sup> Finance Committee Meeting. I'd like to give you just a brief recap of some of the facts associated with the sale of this property so that you can make a decision this evening hopefully on the sale of the old incinerator site.

This past spring we received a new offer to purchase the 7.8 acres located at the incinerator site for \$350,000. This was from Calabrese Enterprises. Mr. John Calabrese who is President of that company has continued to show interest in this property. He would move his headquarters from Eastlake to the City of Euclid. As a result initially we'd have 6-10 full time jobs, with about a \$400,000 payroll and approximately 25 construction jobs with a little over \$1 million in payroll. This would total over \$1.5 million payroll here in the City of Euclid with about \$400,000 associated with the permanent office job located at the new headquarters.

Mr. Calabrese's initial plans are to construct a single building on the Lakeland frontage of the property, which would house their corporate offices and would also be used as a storage and maintenance building for their equipment. In addition, on the rear portion of the property, they would conduct outdoor storage primarily of additional equipment associated with their business and other materials such as new materials related to their construction business pipe, gravel, etc.

There are future plans which I think is the exciting part of this proposal to subdivide the property further for up to three additional businesses at this location, with potential buildings to be built along the Lakeland frontage next to the Calabrese headquarters. Each of these buildings could potentially have up to 15,000 sq. ft. each and again, provide the opportunity to bring 3 new businesses onto this site.

This is consistent with an ordinance that was passed by City Council in 1999 which did recommend at that time the disposition of the site and redevelopment of the former incinerator site for commercial and industrial development. Most of you may recall that Mr. Calabrese did attempt to purchase this site a couple of years ago. That offer never went forward because it included a proposal to do concrete recycling on the site. That is no longer part of this proposal. It would be purely for the uses that I describe.

Since that time no other offers have materialized while the city has continued to market the site both through our office and through our website. We did discuss with two other parties that were interested, two other potential users over the course of the summer months. By the end of June, those parties had withdrawn their interest and the only solid offer we had was from Mr. Calabrese, which we believe is a good offer and we're recommending the Council go forward.

Just a quick note on the actual price. The offer of \$350,000, it equates to about \$45,000 per acre. This is consistent both with an appraisal that was done back in 1999 at the time that Council was originally looking at selling the site, which valued the property in the range of about \$48,000 per acre. This was after deducting about \$17,000 per acre because the site needs substantial grading, filling and other remediation. That appraisal was recently updated. Last week we got the results of a new updated appraisal and it did confirm the value at about \$48,000 per acre. The offer from Calabrese Enterprises is right in the ballpark of both of the appraisals that the City has in hand.

With that explanation, I in summary, again the proposed sale of the property and the redevelopment for industrial use is consistent with passed ordinances approved by this body. We recommend this evening passage of this legislation by Council which would allow us to go forward with the redevelopment of this site. Thank you.

Councilwoman Hufnagle – I would like to again, just repeat the comments that I made at the Committee Meeting. I commend the administration for continuing to work with Mr. Calabrese and to compromise and come to a resolution that is a definite win for the city. I met with the residents in that area last week and they were very happy with this. So again, thank you.

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

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

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

**Res. 207-2004 (250-04) Brownfield PMX Site**

A resolution stating the City's support of an application by Industry Solutions Ltd. to the Cuyahoga County Brownfield Redevelopment Fund Community Assessment Initiative Application Program and the Brownfield Redevelopment Loan Program for the environmental remediation of the former PMX site. (Sponsor Mayor Cervenik and Councilwoman Hufnagle)

Councilwoman Hufnagle moved for passage, Councilwoman Holzheimer Gail seconded.

Director Pietravoia – This is a standard resolution that's required by the County anytime either the City or a private entity is seeking Brownfield funds to either conduct an environmental assessment on a site or to clean it up. They require that the local community show their support for the application. It is actually a fairly simply matter. Passage of this Resolution would indicate to the County that we're in support of the County providing funding for both environmental assessment and clean up of the former PMX site. So we're seeking passage by Council of this Resolution this evening.

Councilman Langman – Given the importance of the PMX property, if my colleagues agree, I would suggest that all Council members add their name to it.

Councilwoman Hufnagle – I don't want to belabor the point, but, I want to be clear this evening that what we're doing here in this Resolution and in the previous legislation that we passed, this is what the city should be about and this is important. As the Ward 3 representative, I want to thank the administration for the effort and the time that they have put into Ward 3. Calabrese, it's a great win. This interest in PMX, this is a tremendous thing to happen in Ward 3. I know not only was this company interested in it, I know that the Economic Development Dept. was also working with two other groups. We haven't seen this much interest in PMX in years. About a month ago the Administration brought us Trust Manufacturing. Very shortly after the first of the year we'll look forward to Ruff's RV moving into Ward 3. The Mall has activity going on at it, maybe its untraditional but it is activity and it had been quite a few years since we'd seen activity. Lincoln Electric, this year alone has hired over 100 people at their facility.

I want to commend the administration for making a commitment to economic development. This is only Ward 3, I know that given the opportunity my colleague in Ward 4 could rattle off a list of what's going on in his ward which would be the second largest industrial part of the city. I have the most industrial land. I know that my colleague in Ward 2 is very pleased in the interest that the federal government is showing in the lakefront development that we have there.

I want to make sure, we don't want to raise taxes, we don't want to cut services, but we need to bring more money in and this is exactly how we're going to do it. I want to take this opportunity before we lose site of what's going on to thank you. Thank you Mr. Chairman.

Councilman Delaney – Director Pietravoia, the Brownfield Fund will go to clear the property, demolish the building?

Director Pietravoia – This particular application would support both money to conduct an actual study of what's necessary to clean up the site. Then the funds can also be used for clean up. This would support both applications.

Councilman Delaney – Will it be city matching money? Or is that premature?

Director Pietravoia – I would say at this point it is premature. Typically there is not a requirement for city matching money but once we get into the details of a project on that site there maybe a need for the City to be involved in some capacity.

Councilman Delaney – I take it this study will be a little more extensive that what we've done in the past? I'm sure you're familiar with, about every year the old Chase Brass & Copper had a look from someone.

Director Pietravoia – The studies that are funded through the County can either be Phase I or Phase II studies. We expect that we'll probably need to eventually conduct both on this site.

Councilman Delaney – Will we have to look at the whole 83 acres?

Director Pietravoia – They will look at the entire site as part of the study, yes.

Councilman Delaney – Well that's all good news. Congratulations it is a lot of hard work.

Councilman Gruber – Mr. Pietravoia on my colleagues, I would like to comment on those issues as well. We did as some of the residents may remember do a study on the PMX before with another company. A lot of this work will be the same type of work by a different company. Would you explain why that is necessary?

Director Pietravoia – Thank you Councilman for the question. Sometimes studies are conducted by firms that have not been certified by the State of Ohio. In order for us to get funds either through the County, State or Federal government, the actual environmental study that is conducted has to be done by somebody who is certified by the State. The previous studies that were done, the company at that time was not certified by the State. Therefore it is very important that we go forward with a company that is certified, that will let us tap into County, State or Federal Brownfield dollars.

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

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

Passed.

**Ord. 208-2004 ((254-04) Demolition Shawnee Ave.**

An emergency ordinance authorizing the Housing Manager of the City of Euclid to enter into a contract, after advertising for bids, for the demolition of the single family dwelling structure located at 19229 Shawnee Avenue, Euclid, Ohio, Permanent Parcel No. 649-01-034, to be in accordance with specifications on file in the office of the Housing Manager and pursuant to the provisions of Sections 1703.50-56 of the Codified Ordinances of the City of Euclid, and Sections 715.26(B) and 715.261 of the Ohio Revised Code. (Sponsor Councilwoman Mancuso by request of CS&ED Director)

Councilwoman Mancuso moved for passage, Councilwoman Holzheimer Gail seconded.

Director Pietravoia – This property has been a long standing problem for the neighborhood. There's a long history. I've asked our Housing Manager to prepare some comments for tonight. We won't go through all the detail but we'll give an explanation why this matter is before Council for demolition.

Manager Petkovic – This home has quite a history. This home was purchased 1991 by the current owner's father. This was a HUD property at the time and a point of sale inspection was performed. At the time of the inspection there were 30 violations found. One of those violations was to hire a structural engineer to report on the deterioration of the cellar foundation walls. This of course was not done as the owner's father testified to at the September 21<sup>st</sup> meeting of the Planning & Zoning Commission.

In 1997 the current owner purchased this dwelling from his father. He did not call for a point of sale inspection and therefore that made the sale an illegal transfer. At some point he moved into this home for awhile, then he decided to rent the home to a family. Now we have an illegal rental. He did not register the dwelling with the Housing Dept. as a rental property. On February 10, 2004 the previous Housing Manager received a complaint on the dwelling and sent a violation notice to the owner to have the home registered as a rental by February 20, 2004. This never occurred. Then on March 26<sup>th</sup> the Housing Manager sent a list of 16 violations to the current owner, mainly dealing with the structural problems with the dwelling and had a compliance date of April 26<sup>th</sup>. These also were not completed.

Seeing that the owner had tenants in the dwelling in its current dilapidated condition, the previous Housing Manager ordered the tenants to vacate the structure and he condemned the home as unfit for human habitation. The Housing Manager then sent a letter to the current owner to apply at the Building Dept. for a demolition permit. In that letter it also notified the owner that he had the right to appeal the Housing Manager's decision and that is what he did.

In August I received a complaint from a worker at the Rose Mary Center stating that they are fearful that this structure may collapse onto their finance dept. I then notified Mr. Ciccotti and the current owner that he needed to come in and apply for a demolition permit. In that letter I informed him that he had the right to appeal. He appeared before the Planning & Zoning Commission September 21, 2004. His appeal was denied and they unanimously upheld the Housing Manager's decision to demolish the dwelling. This did not happen so I sent the case to our Prosecutor and he ordered the owner to demolish the home by November 15<sup>th</sup> of this year. Due to non-compliance by the owner with that order, we find ourselves here tonight with this legislation. Any questions, I'd be happy to answer them.

Councilman Gruber – I'm well aware of that property, received numerous complaints on the property from the neighbors, other folks in the neighborhood. They are concerned not only with the property itself but vandalism from kids. It is an ongoing problem. Not only is the house itself disheveled and in terrible need of repair, but the surrounding property is strewn with debris, litter, and other building materials that have been left behind in the past. I urge that we move ahead with this for the safety,



improve the playability of that part of the park and reduce the chance of an unfortunate impact with that wire. Although we've taken steps to mark that wire so that it is visible to players and spectators, this will improve, I believe the safety of that. Again, the City will receive once we finalize the terms of the lease, \$1500 per month for 5 years with 15% increase, 5, five year renewal periods. I'd be happy to answer questions or Mr. Sindyla will.

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

Councilwoman Mancuso – It is nice to see us do something that is revenue enhancing. Thank you for the work on the new ordinance because I think this is what we are following and therefore we're making some money on our own property. Its about time.

Your responsible for the landscaping around here, are you not? What we're going to do is just cut the grass the way we normally would. Your responsible for anything else.

Mr. Sindyla – Per the insistence upon the Recreation Dept. as well as the Architectural Board of Review and Planning Commission, they've requested that there be no landscaping surrounding the wood fence for the ease of cutting the grass.

Councilwoman Mancuso – You chose a good city. Thank you.

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

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

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

Passed.

**Ord. (253-04) Northcoast PCS to P&Z**

An ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into a lease agreement with Northcoast PCS, aka Cleveland PCS Realty, Inc., 7165 East Pleasant Valley Road, Independence, Ohio, to allow the co-location of a communication antenna on the Communication Tower located at Memorial Park. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage, Councilman Gruber seconded.

Director Frey – This needs to go to the Planning & Zoning Commission for review. We short-circuited this. This is the first co-location we've had under the new ordinance. I apologize to Council that I omitted the fact that this needed first to go to Planning & Zoning Commission. I would ask that it be referred there. We will expedite it and get on the Agenda for the December Planning & Zoning Commission Meeting and would anticipate then that it would be back to Council for the first meeting in January. Just for purposes of information, this is a co-location on the lattice tower in a height range that the city will receive the revenue from the location.

Councilwoman Holzheimer Gail – On the previous pole we just approved, if somebody wants to co-locate on that, do we get the revenue from that, the city?

Director Frey – We would not under the proposed lease on that. That revenue would go to Nextel in that event.

Councilwoman Holzheimer Gail – But the city would have to approve it?

Director Frey – We would have to approve that, yes we would.

Councilwoman Holzheimer Gail – To Mrs. Scarniench's earlier question about how many poles we're going to have at Memorial Park. Our ordinance does not limit it or say how many there can be. It is up to Council. Council does not have to approve or could approve, so there doesn't have to be any more or there could be more, but it would be up to the vote of Council and Planning & Zoning if there were other proposals?

Director Frey – That’s absolutely correct. I apologize to Mrs. Scarniench for not having addressed that. I did get a call from a resident who was at the Planning & Zoning Commission and asked if the park was planning to become a park of poles. I don’t believe that to be the case. I don’t believe that we will have more cellular carriers. I suspect like in most industries, that will shake out over time. What we did with Nextel was to fill a void in their coverage area. Same thing here with Northcoast PCS. Depending on the range they need to cover determines, as I understand it, the height at which the equipment needs to be mounted. I don’t expect that there is going to be a proliferation and absolutely Council has the right to determine when enough is enough.

Councilwoman Holzheimer moved Ord. (253-04) 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. (243-04) Residency to Executive Com.**

An ordinance repealing Chapter 155, Employees Generally, of the Codified Ordinances of the City of Euclid, which establishes residency requirements for City of Euclid employees, and age and physical qualifications for appointments to the Classified Civil Service. (Sponsored by Mayor Cervenik and Councilman T. Sustarsic)

Councilman T. Sustarsic moved for passage, Councilwoman Holzheimer Gail seconded.

Director Frey – The attempt with this piece of legislation was to remove the residency requirement for employees of the City of Euclid. As one of the individuals addressed, this would not at this point in time include union employees whose collective bargaining agreements have residency requirements in them. All of the unions have the ability, members of the bargaining unit, to relocate from the City after 8 years of service. That is not true for non-union employees that were hired after June 6, 1988. This would remove that restriction for the non-union employees hired after that date and would I believe represent a positive change where our employees would have the ability based on either family needs, or personal preferences to join their unionized brethren, brothers and sisters, in relocating to a place of their choice.

It also requires the city, I believe, to compete, to maintain those employees as residents. As opposed to doing it by a club, we’ve got to do it by selling ourselves. I think that’s a challenge that we’re up to. I think this will have a positive impact on our ability to attract qualified individuals for employment in the City. We have a number of positions currently that we are looking in the tax administration area relatively technical field that we’re going to need to get people with experience in that area. There are some other positions that from time-to-time require special experience where having a residency requirement significantly limits the pool of potential applicants. We think this is a positive change and ask for your support of this piece of legislation.

Mayor Cervenik – I would concur. Not only in what Director Frey has stated. We have a very convoluted residency requirement policy right now. I think there’s at least three different scenarios when someone can move in, move out. It really is not beneficial. I think there’s only 3-4 communities, including the City of Cleveland that still do have a residency requirement. It does on occasion put us at a competitive disadvantage when we’re out hiring, especially for specialized skills. As the Director said, it is a policy that will allow us to compete, rather than saying you have to be here, we’re going to make this city, all of us are going to make this city a place where you want to be here. It is my intent, this legislation would obviously be for the non-unions. I would like to see the same thing happen through negotiations with our various unions. You’ve heard time and time again that the Police & Fire Dept. because they test out and we’re one of the few communities that do require residency that many qualified individuals do not take our test to begin with. I will be happy to negotiate with these unions the same type of non-residency requirement from here on end. I think its time. I would like your support. I know Councilman Sustarsic has been an advocate of this for quite some time. He would like to see it done completely for all employees, but as he understands, rather than see it as a negotiated item for the union contracts, and we can handle that. I would like your support on this. I was on Council for 12 years before becoming Mayor. This has come up no less than at least three different times and it goes no where. I think it is the right thing to do at this point. Thank you.

President Sustarsic – I, too, think it would an enhancement to the employment as far as opening up the pool, so to speak, for bringing in more qualified people. Not that we don’t have them in this

town, but at the same time, it puts us, I think you could loosely compare it to tax abatement situation. Whereas you have to give tax abatements to draw industries and you're competing with others. In this way I think we're limiting ourselves greatly by imposing the residency requirements that we presently do. Time has shown that I would think quite a percentage of our employees, especially in the Police and Fire, do live out of town. It certainly doesn't impact their performance. They still put in a quality job. It shouldn't have any impact on anyone's job because again you have those priorities, you have those responsibilities to your families, to your lifestyle, everything else like that to put everything in your job. Also, I think it is again very important to tap those resources out there that we can really utilize and help us progress. Any other questions or comments on this?

Councilman Langman – Mayor I did send you an e-mail. I would prefer that this would go to committee over a very brief period of time so we can discuss this particular issue in detail. I'm not necessarily against it or for it at this point, but I would prefer that we do send to Committee first.

Mayor Cervenik – Councilman Langman, that's not my decision. That's your decision. You don't need to ask me to send it to Committee. That is what you need to do. Whatever the majority of Council wants to do, that's fine. But normally what happens is it ends up in Committee and then Council changes, it dies in Committee and it starts all over again. That's your decision. I will abide by whatever Council votes on tonight.

Councilwoman Mancuso – I second Councilman Langman's motion to send to Committee.

Councilman Delaney – I would still like to comment on it, at least weigh in. I don't disagree with a lot of the points everyone had made. Those are all very, very good points and many of them true. There are probably different arguments that could be made for residency in every department of the city. I think that Police have a unique job. Certainly our Paramedic Firemen have a unique job. But, on the other hand, we find ourselves in situations where we'll have an August storm that knocks down hundreds of trees or a flash snow storm that needs a lot of overtime to clear the roads and we have trouble getting employees in for that overtime. We find ourselves compromising our safety.

The other thing too is there is a reason why we have residency. No matter how archaic some people may think see, generally the people who live in town, think that our employees should also live here as well. For that reason, I would like to get more opinion from the city at large to be able to decide on this. More information, more questions need to be answered. I agree with Councilman Langman, not to sandbag this by putting it in Committee. Not to kill it but to discuss it and maybe we could all draw a better understanding and come to a resolution when we close those questions out.

Councilwoman Hufnagle – Thank you Mr. Chairman. I do remember the last time this came before the previous council and that it was sent to Committee. It is an issue that quite honestly I have mixed feelings on. Although I'm willing to admit that I'm in favor of the residency mostly because I'm a traditionalist. I don't want to believe or I don't believe that where you live determines how well you do your job. I do see the value of opening our pool of people that we can hire, just even a small example. With the residency requirement we have 6 outdoor swimming pools and basically we have to hire every lifeguard that comes through our lifeguard training program. I think everybody can realize that probably not everyone would be the choice is the pool was opened up for that department. I do see the benefits on both sides of this issue.

However, I will not support it going to committee this evening, unless the motion includes a date, and a relatively soon date. Otherwise I don't support it going to committee and I would like to see a vote on it this evening. Thank you.

President Sustarsic – Motion still stands to send it to Committee. I would suggest the Executive Committee. Insofar as a date, if everyone would be agreeable, I'm thinking next Monday the 13<sup>th</sup>.

Councilman T. Sustarsic – That's important to me because it's important to get back before this body because it is an issue that really needs to be voted on. It has died in Committee so many times before. I know you, yourself, Mr. President, brought it up when you were a Ward 3 Councilman last term and for whatever reason it died in Committee. We got to bring it back because I think our employees deserve it.

There was also a question brought about the compromise safety of clearing the roads. The people that clear the roads are AFSCME workers and Teamster workers. They work for Mr. Gulich and Mrs. Will, the Rec Dept. helps out as well too. A lot of those employees live out of the City as well and they still do a heck of a job. Yes, I would like to have a date set and I'd be in support of putting it into Committee as long as we could get it back to this floor as soon as possible.

Motion made by Councilman Langman and seconded by Councilwoman Mancuso to place Ord. (243-04) into Executive Committee.

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

Placed into Executive Committee.

**Ord. 210-2004 (252-04) 2004 Budget**

An emergency ordinance amending Ord. 163-2004, 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 final amendment to the 2004 appropriation that we’re requesting. Basically there are only three funds that we’re asking to amend the appropriation in. One is the waterline construction fund, which would allow us to make the final debt service payment in that fund that was missed. The other two funds, which is Public Buildings Construction Fund and the Bond Retirement Fund, those amendments are brought about as a result of the recent bond issue that was approved by Council. Any questions, I’ll be glad to answer them.

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

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

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

Passed.

**Ord. 211-2004 (239a-04) Health Care Consultants**

An emergency ordinance authorizing the Director of Finance of the City of Euclid to renew the contract with Group Health Care Consultants, 1616 East Wooster, Box 20, Bowling Green, Ohio 43402, \$22,800.00, to provide health care cost reduction services to the City in conjunction with the City’s health care self-insurance program for eligible employees for a one year period, commencing 1/1/05 and expiring 12/31/05. (Sponsor Council President Sustarsic by request of Finance Director)

Councilman Gruber moved for passage, Councilman Daly seconded.

Director Johnson – I would like to reaffirm my request for Council’s support as I did at the last Council Meeting. This piece of legislation was sent to Committee. Last week we interviewed all of or listened to presentations from all of 5 different firms who I believe in total reaffirmed the practices that we’re following in terms of our containment of health care costs. I’d also like to bring to your attention, I have in front of me a white paper done by the Government Finance Officers Association. It is a recommended practice on Health Care Cost Containment for 2004.

There are 5 recommendations in this paper that are made towards the end of health care cost containment. #1 is Plan Design. Major initiatives include the movement from indemnity plans to managed care organizations, such as PPO’s, Exclusive Provider Organizations, or HMO’s. We did that about 16 years ago.

The second recommendation is to Vendor Management. This includes steps such as audits of claims to ensure that carriers or third-party administrators pay benefits according to plans. We do that on occasion. Coordination of benefits and verification of participants through positive re-enrollment. We do that on a regular basis.

The third recommendation is in area of individual health management. This includes wellness programs. These management programs and information to employees on health care matters. This of all areas is probably the only area that we are not as aggressive in as I think we probably should be. Although as Mrs. Evangelista brought to your attention at the Committee Meeting, these areas come with some additional costs.

Fourth recommendation is in the area of Aggregation. In order to obtain better pricing and market leverage, governments should evaluate whether to aggregate their purchasing power. We do that on a regular basis. As a matter of fact, our prescription package, or our prescription coverage, we are part of a cooperative with the Euclid City Schools and a number of other school districts where we aggregate our prescription coverage.

The last recommendation is cost sharing. As employers, governments may realize savings by sharing certain costs with employees. As you all know, in the last round of collective bargaining talks, we did institute some employee cost sharing. As you all are aware of, with the non-union employees, they are beginning to be at the forefront in terms of their responsibility for sharing some of the costs of health care. Of all the 5 recommendations, 4 out of the 5, we have been and are aggressively pursuing.

The other thing that I'd like to point out, at the Committee Meeting, was that of the 5 presenters, several of them were gracious enough to share what they thought were the trends in this area in terms of the increases in costs of health care. Those increases range anywhere from 13% to 16% as averages and increases in health care costs. I'd like to point out one more time that our projected increase for 2005 is 7.59%. I think that we have and we continue to do a very good job of containing our costs. I don't want to trivialize the fact that we spend \$4.4 million on our health care for employees, but I'd like to point out that I think we do have a handle on it and we are containing those costs. If there are any other questions, I'd be glad to answer them.

Councilman Langman – Director Johnson, I read your e-mail response to some of those suggestions that I had and we talked about this last year and I talked about this with Mrs. Evangelista probably two years ago. I don't understand the reluctance to do an RFP. I don't understand your position on that. So if you could explain that to me, I'd appreciate it.

Director Johnson – I am not reluctant to do anything Councilman Langman. What I'm pointing out is that I think our recommended consultant that we've used for the last several years is doing the job for us. Our health care costs are at 7.59% projected increase for next year, as opposed to 16% across the board projected for this region. I think we are doing a good job of maintaining our health care costs. I'm not real sure how a \$22,000 contract for consulting services affects a \$4.4 million budget for health care costs. That's all.

Councilman Langman – I disagree with that. The proposal that I made to at least put in the opportunity to reopen after 3 months, 6 months, etc., would serve the city well. We just got done speaking about creating options for talent pool and bringing people to work for the city. I think that it's imperative that this city search out options as far as our health care consultant. That doesn't mean Mr. Szana is doing a poor job. It is no reflection on him. But to create options for the taxpayers is important. I think last year, what was our increase in health care cost for last year Director Johnson?

Director Johnson – Our increase last year was 15%.

Councilman Langman – Okay, so we've been up and down.

Director Johnson – The year before that was 5%.

Councilman Langman – I think that again, since we talked about this and you have shown a reluctance to do that, it's imperative that in fact we do create options. I would hope that we would amend the contract so that gives us the opportunity so that we can see what these firms can do based on our need. The presentation last Monday was an overall presentation. They didn't have enough facts to give a specific presentation that could benefit this city. So you really don't know for the dollars we would spend, the ultimate services you would get from those firms, or others, if we want to bring in. It doesn't mean that Group Health Care is a bad firm, not at all. It simply means that, if we're going to spend the taxpayers' money, we should create as many options and be as flexible as possible. Doing an RFP should not be that difficult to do.

Mayor Cervenik – It's my opinion and my administration's opinion that we have received very good service with this firm for a long time. I want that service to continue. The administration reserves the right to pick their professionalism provided Council is willing to allocate the money. I see no reason as Mayor as to why we need to make a change in our consultant at this time. Our health care costs have been exceptional as far as the increases that we experience each and every year. This consultant provides me with monthly reports, not just me but other members of my administration that are very helpful. As Mr. Johnson showed in the report, we have followed 4 of the 5 very closely. The fifth one, we're working on and that has to do with wellness. The only reason we've lagged a little bit behind on the wellness end of this is mainly because, not because our consultant told us not to, but we have to come up with the money to do that on a short term. The long term benefits are fine.

This firm does a good job for the city. This firm does a good job containing costs. My legislation is before you tonight to ask me to approve it as we presented it to you. If you don't do

that, then I will go back to the drawing board but there is no reason to change at this time. No reason whatsoever from where I sit. Thank you.

Councilwoman Mancuso – Not to belabor an issue, but I would like to recommend a middle of the road collaborative alternative. I also heard all 5 of those presenters. Four, with no information about the city and they did give us several options that we are not doing right now. If we had thought about them, we need to re-thinking them. And to do something well for 14 or 16 years is admirable, admirable, but if you are not looking at health care every 6 months or a year, and making significant changes, we're behind the 8 ball. We have great health care coverage. We pay a lot of money for the health care coverage. There are other options out there for us. I would hope in the faith of cooperation that we could do something like let our current consultant stay on for the first quarter of the year, through March, pay him for the first quarter. By mid-January come up with an RFP so that people can get the information they need by the end of January. Maybe give it to us by the first of March. He's still working for us. He's still on the books. If he is the most creative, the best we've got and he may well be, we still have him. I understand that part of the issue is we have to negotiate with labor at the end of the year. That's very important and we need somebody here who can do that with us. He maybe the person. There maybe other options. We may learn things if we even decide to keep him from the other people who would write the RFP. I would ask to amend it to keep our consultant through March, 2005 and add an RFP process to it. So that we as a City have all those options available to us. While we're still working with the gentleman that you feel comfortable with. I'll make that a motion.

Councilman Langman – I will second Mrs. Mancuso's motion.

President Sustarsic – Motion is on the floor. The motion as presented is to amend the legislation to a quarterly review.

Councilwoman Holzheimer Gail – I have a question on the motion. Director Johnson, do you know if Group Health Care Consultants would be open to a three month contract?

Director Johnson – I am not sure our consultant would be interested in a three month contract. Also in an e-mail to Councilman Langman and I believe I did copy all of Council. I think its very unreasonable to assume that we could put together an RFP and actually solicit RFP's from vendors in three months. That is not a reasonable amount of time.

Councilwoman Holzheimer Gail – What is a reasonable amount of time?

Director Johnson – A year.

Councilman Daly – I have a comment on the motion. This legislation was for a two year contract and it was amended to just one. With health care coverage goes on an annual basis from January 1 through December 31. As far as changing in co-pays or deductibles, so I can't see us changing coverage mid-stream during a calendar year. So seeing that this has been amended to one year and that we could write an RFP to interview for consultants for next year, I would be against amending it to a quarterly basis. Thank you.

Councilman Langman – I think as I mentioned in my e-mail to my colleagues and the administration, the contract negotiations that are coming up are absolutely critical and each one of the groups say they can be of help in those negotiations. Just say that we're going to go for the year and then maybe bring in somebody else, we would have lost the opportunity to have a major impact on our contracts with our union workers. That's the reason why we want, as Mrs. Mancuso mentioned, make it either for three months or put in the option to terminate after 3 months or 6 months or whatever, based on the feedback we get. Director Johnson, forgive me but you have to be able to do an RFP quicker than a year.

Director Johnson – I fail to understand what the benefit is in changing the consultant. I believe you also listened to Mr. Szana who has also made in the past recommendations to reduce our health care costs or contain our health care costs and he has more. He has more. I think that we brought this out, not to beat a dead horse, that a majority of the changes that we can make in terms of our plan have to collectively bargained. Whether we have Mr. Szana as our consultant, or whether we have AON or whether we have Mr. Biats, whoever that consultant is, those changes still need to be collectively bargained. That's my point.

Councilman Langman – Nobody is disputing that Director Johnson. It is simply a matter that, if in fact we have competition for the contract. Mr. Szana maybe the person for the job. But to just say that we're just only going to go with him because he's done great service, that's great. But it doesn't hurt and I fail to see why you are so adamant and the administration is so adamant in saying we're not going to look at anybody else. If that's the case then really last Monday night was a waste of those company's time, really.

Councilman T. Sustarsic – With binding arbitration as well, going in front of an arbitrator, we don't have any say at all in a union negotiation. It is up to the arbitrator to make a decision based on the, am I right?

Mayor Cervenik – It is the administration's goal not to go into binding arbitration this year. It is our hope to sit down with the various bargaining groups and work this out with a handshake and understanding of the positions both sides are in. Mr. Szana has been very instrumental in putting together our plan to deal with the bargaining units. It's patterned very much so after the schedule that we're putting the non-union members on. Our changes in our drug policy, the co-pays and the employees contributions are in a very large part due to our present consultant's suggestions and recommendations. Furthermore, I'm not waiting a year to talk to the bargaining units. I have Local 337 coming in next week. Not only to talk about the current contract, but the negotiations that will take place after January 1, 2006. We're not waiting this time. We need to have this all done now. I will tell you again, this administration is recommending passage of this legislation because we need the expertise that Mr. Szana and his company provides us now and has provided us in the past.

Councilwoman Holzheimer Gail – I think 3 months is probably to limited. We did have other groups come in last week and that information was helpful. I think that Mr. Szana is as qualified as any of the others and I don't see the need to change right now. I would perhaps offer the suggestion and I believe Councilman Langman offered this in his e-mail is forming a work group to start right away. I would ask both Councilwoman Mancuso and Councilman Langman to serve on that and start working with Group Health Care Consultants in working on the benefits package and the commitment from the administration to do an RFP for next year.

Mayor Cervenik – That was the purpose of, as we talked last week, of reducing this contract to a one year period.

Councilman Delaney – I'm just curious. Is there any interest in tabling this since the contract has to be signed by December 31<sup>st</sup>. We have another Council Meeting we can pass this on, December 20<sup>th</sup>. I would be interested to hear if the health care consultant was interested in a three month contract and maybe the other consultants, if he is not. Just a thought, is it worth contacting them again and bringing this back on the 20<sup>th</sup>?

Mayor Cervenik – The administration is not interested in a three month or 6 month contract. I need this professional services between now and the end of the year. The administration is not interested in that. Obviously if City Council votes otherwise, the administration has no choice but to abide by them. But the administration is not interested. The administration is in the process, I have sent out letters to all the bargaining units and I expect to start negotiations immediately. Not waiting until the contract is over. That will put a great hindrance into what we're trying to get done. Again, I can't say enough about our present consultant and his formation of our plan to bring our hospitalization up to what standards and norms are throughout not only the public sector, but the private sector. Again, I'm asking for a vote on this tonight so that we can get moving forward with our negotiations and what we need to have done.

Councilwoman Mancuso – We have a motion on the floor and I would need people to vote for or against it, because I'm not going to withdraw it. And, I want to remind everybody that this is \$4.4 million that needs to be spent very wisely. It is the citizens' dollars that we are spending on health care and there is always, always, better option and we need to be looking at it whether its tonight or tomorrow. But I have after all been asking for this for a year and now I'm going to wait another year. With that you can vote.

Councilwoman Hufnagle – I too sat through the Committee Meeting last Monday and received all the information and read through it and it was very informative. There was one thing that came out of that committee meeting that concerns me since we are spending the taxpayers' money and we are providing our employees with health care. That is the fact that the majority if not all of the presenters last week receive a good bit of their money from commission. Our health care consultant only has

one client that he receives commission from. The majority of his clients are fee based as we pay him on a fee base purpose. I like the idea that the guy is looking out for our interests. I think the numbers that the administration has provided us with show that is the case. I think his presentation shows that is the case and I think the administration has made a concession in asking for only a one year contract. That in it of itself makes me a little nervous. I liked the two year contract because we know what we get for two years. Therefore, I am not in favor of doing anything in under a year.

President Sustarsic – If anyone has no more comment, if we could please vote on the motion, the amendment to change it to a 3 month review as opposed to a year's contract as is stated right now. So please call the roll on the amendment.

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

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

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

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

**Ord. 212-2004 (248-04) Annual NPDES Discharge Fee**

An ordinance authorizing the Director of Finance of the City of Euclid to expend \$15,550.00 as payment for the annual NPDES discharge fee as required by the Ohio Environmental Protection Agency. (Sponsored by Councilman Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Gulich – The Ohio EPA required the City of Euclid to hold this permit in order to discharge affluent to the waters of Lake Erie. I think that everyone is tired of hearing me now. We've discharged or we serve all or part of 6 communities within Northeast Ohio. We've been in full compliance for about 5 years now. That wasn't always the case previously. Mr. Gall has done a great job down there bringing us into good graces with the Ohio EPA. This \$15,500 fee is a requirement and it is in order to keep our permit secure.

President Sustarsic – Any other questions or comments? And I actually could consider this housekeeping because I can remember we've been doing this forever it seems.

Director Gulich – Up until 2 years ago this permit was \$25,000 and it has gone down in the last 2 years to this lesser fee of \$15,550 and I'll just reiterate that it is also paid by the other Euclid communities.

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

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

**Ord. 213-2004 (249-04) Recover Costs of Site Reviews etc.**

An emergency ordinance amending the Codified Ordinances of the City of Euclid by adding a new section 135.04 and amending existing sections 1703.62 and 1703.64 to facilitate and authorize the Service Director to contract to recover the costs of plan, plat and site reviews, inspections and approvals by engineers, surveyors and other consultants. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Daly.

Director Gulich – What we're asking for here is quite simple and that is what we're asking for is simply recover costs the City's incurred for our engineers to review plans, plats and site reviews.

These costs you see in the ordinance are very much in line with what other cities have been charging for years. The Building Department has recently brought an ordinance to Council, which was passed, allowing them to also recover their costs they incur from their reviews. And again, all we're asking is to get up to speed with what other communities have been doing for quite some time in recovering some of their costs.

President Sustarsic – Thank you. Any questions or comments from Council?

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

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

J. Sustarsic

Passed.

**Ord. 214-2004 (246-04) Maximus, Inc. 2005 Contract**

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to execute a professional services contract with Maximus, Inc., relating to the performance of audit and cost analysis studies of the City's Waste Water Treatment Plant, as well as other agreed upon service specified in the proposals, for the year 2005, at a cost not to exceed \$29,050.00. (Sponsored by Councilman T. Sustarsic by request of Service Director)

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

Director Gulich – We have 5 or 6 agreements with the other user committees outlining the requirements we need to fulfill, they need to fulfill. One of those requirements is that we do have this annual audit to justify our prices we charge for treatment of waste water. Last year's report indicated that there would be no increase at least until after July 1<sup>st</sup>, 2006 of our existing rates. Mr. Gall has done a great job of controlling our costs down there. And speaking with him we're confident that once again this audit will, we will again be able to extend our rates for another year on top of that. I look forward to bringing that report back to Council for full discussion in April when it's complete.

President Sustarsic – Thank you, thank you very much. Any questions or comments?

Councilwoman Mancuso – Is this a, another professional services contract we do not bid out? You're comfortable with it so we use this particular firm, correct?

Director Gulich – That is correct, Councilperson Mancuso. We originally hired David M. Griffith and Associates to do the original, original audit when the agreements went into effect for calling for this comprehensive audit. That firm morphed into David M. Griffith and Associates and into a couple other firms. Currently, this latest entity is Maximus and they have served us well. And we have looked at other firms, there are other qualified firms, indeed, and by and large the other qualified firms are representing the other user communities.

Councilwoman Mancuso – How long have they been with us?

Director Gulich – Maximus? In this form, I would say, and this is totally a guess, I'd say 10 years.

Councilwoman Mancuso – Ten years, thank you.

President Sustarsic – Any other questions or comments?

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

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

J. Sustarsic

Passed.

**Ord. 215-2004 (245-04) Brennan Maintenance, Inc.**

**Contract**

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Brennan Maintenance, Inc. for the cleaning of the Police Station and Jail for a one year period, from January 1, 2005 through December 31, 2005. (Sponsored by Councilman T. Sustarsic by request of Service Director)

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

Director Frey – May I interrupt before, we need to amend Section 2 to indicate that the funds to pay for this contract would come from the General Fund. It's a Police Department line item. I apologize for the error in Section 2 of the ordinance.

Councilwoman Mancuso – Could you tell us how much this is for that we're voting on?

Chief Maine – The cost of the contract for the Police Department and the Jail would be for \$23,400.

Councilwoman Mancuso – A year?

Chief Maine – A year.

Councilwoman Mancuso – Is this the same firm we've had? Is this a new firm?

Chief Maine – When it gets to me, I'll.

Councilwoman Mancuso – Okay.

Councilman Sustarsic moved to amend Section 2 where the expenditures will come from the General Fund as opposed to Building Maintenance; seconded by Councilwoman Mancuso.

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

J. Sustarsic

Amendment passed.

Chief Maine – This cleaning contract, as I said before, for the Police Department and Jail is for a period of one year. We've used this firm for about 3 years. We did comparative costing to make sure that their contract was in line, costs were in line for what is being charged in the field.

The biggest reason, though, that we want this firm is because of the person who is doing the cleaning. Obviously, someone who has pretty much free access to the Police Department also has access to a lot of personal and confidential information. This person has gone through rather extensive background investigation to make sure that their trustworthy, reliable and honest. They're also a very, very good employee. She takes care of not only the Police Department, which is occupied 24/7, but also the Jail and does a tremendous job and we'd like to keep that firm and her for another year.

Councilwoman Mancuso – Thank you.

President Sustarsic – Any other questions or comments?

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

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

J. Sustarsic

Passed as amended.

**Ord. 216-2004 (247-04) CRIS 2005 Contract**

An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid to renew an agreement by and between the Cuyahoga Board of County Commissioners and the City of Euclid for participation in the Cuyahoga Regional Information Systems (hereafter known as "CRIS") for the yea 2005 for use in the Police Department, Prosecutor's Office, and Euclid Municipal Court. (Sponsored by Councilman Gruber by request of Service Director)

Councilman Gruber moved for passage; seconded by Councilman Daly.

Chief Maine – This is, again, a contract to enter into services with the Cuyahoga Regional Information System. This is the 20<sup>th</sup> year that CRIS has been in existence and the 20<sup>th</sup> year that the City of Euclid has participated in this informational network.

The \$46,000 represents no increases for this year as opposed to last year. It also represents costs that will be borne by the Police Department as well as the Court and the Prosecutor's Office. If you have any other specific questions, I'll be glad to answer it. All I can tell you is that police efficiency and effectiveness is based on information, information sharing and this is part of the backbone of our operations.

President Sustarsic – Questions or comments?

Councilwoman Mancuso – Chief, this, the fund will come from the Police Department and the Courts or they'll come from the General Fund?

Chief Maine – It comes from the General Fund, but there's a line item in the Police Department for this as well as the Court and the Prosecutor's Office.

Councilwoman Mancuso – Thank you.

President Sustarsic – Any other questions or comments?

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

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

J. Sustarsic

Passed.

**CEREMONIAL RESOLUTION**

**Res. 205-2004 (255-04) Sergeant Josh Mandel**

A resolution of appreciation to Sergeant Josh Mandel, Lyndhurst City Councilman, and returning Veteran in the War in Iraq. (Sponsored by Mayor Cervenik and entire Council)

Councilwoman Holzheimer Gail moved for passage; seconded by Councilwoman Hufnagle. Yeas: Unanimous.

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

J. Sustarsic

Passed.

**COMMITTEE OF THE WHOLE**

President Sustarsic – Okay, it is the Committee of the Whole and to remind everybody that this is the public portion of the meeting where the audience can address Council on any issue for the good of the City. Keep your comments to 5 minutes, if you would. Give your name and address at the podium.

Councilman Sustarsic moved to go into the Committee of the Whole; seconded by Councilman Gruber. Yeas: Unanimous.

Mrs. Ann Raukar – 246 E. 272 St. Mr. Frey, did you quote the amount of acreage Providence Church wants for the church? How much acreage?

Director Frey – The entire project is approximately 68 acres I believe.

Mrs. Raukar – Don't waste my time. I only have 5 minutes. How much acreage do they want for the church?

Director Frey – The church itself will occupy, the church and the parking lot will occupy about 9.7 acres. The church parcel, once the deductions are made for the land to be dedicated to the City and that land is to be commercial in nature, I believe, is about 14 acres.

Mrs. Raukar – Well, anyway, at one time it was 23.

Director Frey – Right.

Mrs. Raukar – In comparison St. Christine has 12 acres. I estimate St. William's to have about the same. These are well established churches. This new comer has yet to be built and prove itself.

Mr., Mayor Cervenik, it seems like in the beginning that the newly elected people seem to owe some kind of a acknowledgement of some kind and I feel that I know the citizens of Euclid do not have any responsibility or have to acknowledge that church in any particular, well, I don't have the words for it. But anyway, the citizens of Euclid do not own, owe the church any special favors and it seemed like those that, some of those that were elected seem to owe favors to this church business. And thus, the Euclid Awareness Committee was formed.

My experience with the past Administration, the Legislative body under the leadership of our present Mayor and the present Judge and Magistrate found, I found were, seemed to be forming an elite circle for their own benefit and pleasure. These persons were selecting who to favor with the power of this circle. One of these selected persons of favor has repudiated their choice of him and I see he has chosen to support the Euclid Awareness Committee for which I credit his making a wise choice in spite of the damage he caused me. Mayor Cervenik, this fellow that installed the spout happens to be that person that caused all the trouble between me, the past Administration and you.

You passed an unconstitutional amendment to an ordinance that was redundant to a 1970 downspout ordinance. And you added unconstitutional amendment where there was no corrections to be made to this downspout. Now Daryl Langman happened to be campaigning and I showed him what was going on and he wrote letter to the Mayor. And the Mayor realized that they may not be able to get away with it seeing as outside people know about it and a correction was made but too late for my property.

President Sustarsic – Excuse me, Mrs. Raukar, your 5 minutes is up.

Mrs. Raukar – Okay, thank you.

President Sustarsic – Thank you.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. Lower Lake Shore Drive still sings to me, sounds better, but anyway. As a member of several boards, one of them being the Hunger Center, I'm going to speak as a private citizen, though. The day before Thanksgiving I want to thank Rotor Tool. I want to thank the ROTC program, the kids at the high school. They inundated us with food. You know, I never was so happy about food that I wasn't going to eat. It really felt good. Thank you, everybody who helped, opened your hearts to give to others. We're feeding close to a thousand people now, 23, 25% of the City's on welfare. That's scary facts.

And Mr. Delaney, I've got a bone to pick with you. You know, I'm tired of your telling the Mayor people are voting with their for sale signs. He knows it. He wants that to happen. This way the new people that move in don't care, don't know and he can pull anything he wants to. He can pull the whole City for a political party or an agenda. This is the problem we have in the City politicians like that. We have this in the whole country. It's about time that people find their voice, come up to these meetings and state the facts, not hearsay, but facts. Tell these people what you want.

They're supposed to be working for us. Mr. Cervenik, you've never worked for us. I always said you didn't get community. No, you don't, it's not that. You just don't care about community. You care about your party and what you can pull and how good you can get in that party. I'm really ashamed of you.

Mr. Tod Guntner – 390 E. 257. First of all, I would like to thank everyone in the City of Euclid and the surrounding communities for their continued support of Euclid Pet Pals. Because of you we were

able to keep the Animal Shelter open in 2004. And we hope with all, everyone's continued support that we will stay open 2005 and beyond.

At this point I'd like to let everybody know that we are going to be having pet pictures with Santa. This is going to be December 11<sup>th</sup> and December 15<sup>th</sup>. On the 11<sup>th</sup>, next Saturday, this coming Saturday will be 11 to 3 and on Wednesday it'll be an evening from 6 to 8. Pictures are \$5 and \$4 for each additional. So come on out and bring your pets whether you have dog, cat, rabbit, parakeet, bird, lizard, whatever and have your picture taken with Santa. We are still selling the scooter tickets. We have the Our Town All Around Town books available and those are selling very, very well so you want to come on down to the Shelter and grab one pretty quick. Now the Shelter's open Tuesday through Saturday from noon to 4 and on Thursday evenings from 6 to 8.

Now someone called, a lady called last week looking to see if we had found her dog. And this dog is a look alike Dalmatian, however, it is not a Dalmatian. We did not have the dog. The very next day that dog came to our Shelter overnight via the Euclid Police Department and I'd like to thank the Officer and all officers that bring in animals overnight when we are closed. We greatly appreciate all your help with that. So if you're here tonight, if you are in the audience, if you are at home listening and you lost your dog who has Dalmatian markings on his body or if you know the person that owns this dog, please call the Animal Shelter tomorrow morning after 8 a.m. 216-289-2057.

And on a little bit of a personal note, on November 1<sup>st</sup> one of my neighbors lost their dog. He got out of the fence either through his own accord or through kids running through backyards. He's still gone. There has been no word; nobody's seen him. I've had friends that have seen him in the area of 264 and Lake Shore keeping an eye out for this dog. He's a 15-year-old Hound dog. He's white and he has some brown markings and some black markings on him. My neighbor has a daughter that's 2-1/2 years old that even after 5 weeks is still coming downstairs every morning asking for Otis. So if you have this dog, please let us know. Please call the Shelter after 8 o'clock tomorrow morning so that we can reunite this little girl with her dog. Thank you very much.

Mr. Bill Fisher – 265 E. 218<sup>th</sup> St. I just want to say that as a Euclid taxpayer for the last 25 years I am very happy that the Hillandale lawsuit has been settled. I don't see anyway that the City could have afforded to have lost that lawsuit and I don't think we could have afforded to win the lawsuit considering how high the legal bills might have been and previous discussions in Council on how money was being spent. In short I'm just happy that the suit is over. I'm glad we have an Administration that is not afraid to lead and does not stick their finger up in the air to see which way the wind is blowing. That's all.

Mr. Ray Petrea – 353 E. 232<sup>nd</sup> St. I have an important message this evening. I've said this before but it bears repeating because it involves our health. There is a diabetic epidemic that's on the increase. All of us are subject to being attacked. Yes, I said attacked by diabetes. In fact Della Reese says diabetes attacks your whole body. No part is left out. So it's up to us to take care of ourselves. It is up to us to find out what it takes to avoid the adverse consequences of this insidious disease. There is some other terms that you need to be familiar with.

At the present time there is no cure for diabetes even though there are thousands of research and scientists looking for that cure that has evaded the experts. However, there are things that we can do. Dr. Victor Bello, an Ophthalmologist in Euclid, has said early detection of diabetes can mean early control. Control is the issue if you have diabetes because controlling diabetes helps prevent some of the tragedy and catastrophic adverse consequences, such as, blindness, kidney failure, stroke, extremity amputation.

Diabetes is a chronic disease, which means it's ongoing. Until there's a cure we don't expect to get rid, however, we can control it. When you control your blood sugar in the normal recommended range, you do avoid or slow the progress of diabetes.

Diabetes is a progressive disease. That means it gets worse and worse, particularly without maintaining your health. It is an insidious disease and this means that it's artfully treacherous. It grabs a hold of you in and it doesn't leave. And without taking care of yourself you are subject to the adverse consequences none of us want.

I would like to mention some of the risk factors. Family history of diabetes, being overweight 20%, people who are over 30, an inactive life style, a high calorie diet, a history of diabetes during pregnancy. Some of the signs that you need to know is frequenting the bathroom, increased thirst, blurred vision, frequent infections, increased hunger and increased weight or weight loss.

People take warning. It's up to you to take care of yourself. If you don't do it, who is going to?

President Sustarsic – At this point if we could take, we'll take about a 30-second break while they're changing tapes. Next speaker, please.

Ms. Liz Kilroy Hernandez – 296 E. 214<sup>th</sup> St. Just wanted to make a couple points. First, I'm a lifelong resident of Euclid and, actually, I've worked the last 20 years in community development in the City of Cleveland. I wanted to speak a little about the development and the settlement of the lawsuit.

First of all and foremost, I wanted to commend Mayor Cervenik for settling this lawsuit and, also, would like to commend our Law Director for his hard work in settling this lawsuit. This lawsuit was hugely detrimental to the City of Euclid and its future. And as the Plain Dealer editorial said, it took some courageous leadership to go out and settle this despite the vote that took place. So I realize that it was probably a difficult step to take, yet, it had to be done. And I would certainly hope that this City Council looks at the total picture here and can support the Administration and move on to have a church development project that will be an asset to this community.

To those involved in the church community, if any of you are here, as a citizen of Euclid I welcome you to our community. I welcome the development project that your church is willing to bring to the City of Euclid and the investment that it will realize the City of Euclid.

Again, many development projects are surrounded by controversy. I've seen it happen over and over again. And you know, it is, it is not always evident when you put together some of the pieces of what the total benefit will be here., but I have to say that I would hope that the Euclid Awareness Committee, although they put a huge effort into working on this issue, and unfortunately, their outcome isn't realized, unfortunately for them. I don't think it's unfortunate for the City. But I would just say to this citizen's group, while I support citizen participation, we need to look at the bigger picture here. There are plenty, plenty of issues to get involved in from citizens' point of view. I'm not sure micromanaging a development project is the way to go. I think your efforts could be put into a lot of areas our City needs citizen participation. We've got predatory lending. We've got housing abandonment. We've got all kinds of issues here. But a development project of this magnitude, which is being constructed in an area that hasn't been developed since the beginning of time despite all efforts to try to development an area, you know, isn't such a bad thing. Let's look at all the positives this may bring the City. Let's get over this vote. Let's get over the whole lawsuit, the whole thing. Look to the positives that our City is now going to avoid paying out a huge settlement, which was inevitable. This would never have turned out any other way but detrimental to the City. So, Mayor Cervenik, again, I commend you and your Administration for settling this. I look for some leadership from this City Council to overcome this hurdle where we have a citizenry that feels betrayed by this and let's bring these folks together. And let's bring everyone to the table and have this be a positive for the City of Euclid because we've had enough negatives. And this is a City that can rally around this.

I also question from just the Euclid Awareness Committee if this development had been brought, really do some soul searching here. If this development project had been brought about by Holy Cross Church or by the Church of the Epiphany or by Euclid Lutheran Church or by St. Christine's, would, would we have had this outpouring of negativity toward the project? I'm not sure we would have. Please look, I really want us to look beyond this. We need to get to the positives of this development. Welcome this church and the community it will bring to our City and have a positive outcome something that will impact the future of Euclid in a positive way. Thanks.

Mr. Harvey Hutter – 1446 E. 204<sup>th</sup> St. She was right about one thing. Euclid Awareness did work hard and the voting majority and Euclid Awareness were correct. Number 2, the Plain Dealer is nothing but a cheap rag. Number 3, on November 2<sup>nd</sup> the voting majority gave the Administration instructions on how to deal with Hillandale. Stand up and fight. Instead they elected to cut and run. Was it fair or is that Mayor Cervenik owes so much to special interests who got him elected with campaign money and endorsements...

President Sustarsic – Sorry sir, keep, if you would keep from the demeaning comments please.

Mr. Hutter - ...if only he would care about Euclid as he does them.

Mr. George Matic – 1851 E. 225 St. Mrs. Gonzales used to be a business owner in Euclid so, obviously, she knows what she's talking about because there is no more business from Mrs. Gonzales here.

I've been watching this Hillandale unfold and I kind of welcome the church up here at Hillandale. However, I do not think the church should be the housing business. I also don't think they need to be building a ghetto up in this area.

My property value has not gone up in the 23 years that I have lived here in the City of Euclid. All the suburban areas around us, the property values have gone up. You go to Richmond Heights, a house that costs in 1981 about \$60, 70,000 it's over \$200,000 today. Okay? And I can't get rid of my house.

The Council went against the wishes of the people and now I hear there's a recall campaign going on. I'd like to take it a step further. My idea is to setup an escrow account and in that escrow we put all our property taxes in here and bankrupt the City of Euclid and withhold all these funds until you guys resign. And the reason is I would rather bankrupt the City on my terms than on your terms. Our property values are not going up. The City of Euclid, especially down Euclid Avenue, is beginning to look like East Cleveland. All right?

It's sad, especially after talking to my insurance agent that my house is worth more burning down to the ground than it is if I try to sell it on the open market. So I really don't need the Euclid services of the police, the Fire Department or any of the other services that you provide. So by putting this money into an escrow account maybe we could go a step further and get the City where it belongs.

And for Mr. Daly here, starting this week, I'm going to pull my business out of Daly Insurance. Thank you.

Ms. Pamela Minich – And I am a corrections officer for the City of Euclid. This was from our union. They had a meeting with Mayor Cervenik on Monday, November 22<sup>nd</sup>. This meeting was at our request. We asked the Mayor if there was anything that we could do as a union to prevent the pending layoffs. The Mayor told us unless we could come up with 320,000 in concessions there was nothing more that can be done. The Mayor said that he was going to try and get a tax levy placed on the ballot in May of 2005. That would produce enough revenue to, hopefully, return everybody back to work by 2006. This levy would also help the City put money back into the reserves as well as to, hopefully, raise enough revenue to either renovate or rebuild the Jail to make it operate efficiently. We hope that this happens, but I believe it would be a difficult task with the way the economy is right now. The Mayor did tell us that he would be more than happy to write letters of recommendations for those who are laid off and are seeking other employment.

As you already know, layoff notices will be coming out soon. I'm expecting them to go out on Monday, November 29<sup>th</sup> of 2004. The notices will probably be sent out certified mail. This letter here states from the Mayor due to the continued budget shortfall the City of Euclid is experiencing a severe financial challenge. After reviewing the City's current financial status, I advised all departments that significant reductions in our budget were necessary. Unfortunately, City personnel must be reduced. Your position as a corrections officer has been eliminated. It is with the sincere regret that I inform you that your employment with the City of Euclid as of December 31<sup>st</sup> of 2004 will be hereby terminated. Please know that you are entitled to the programs and benefit provided by the Ohio Department of Job and Family Services, such as, employment benefits, job replacements and retraining programs.

As a corrections officer, according to my contract here, you're supposed to go by seniority. I have seniority over 13 people, but they're not doing it by seniority. They're doing it by gender. In my contract this says all employees. It doesn't specify male and/or female. It specify equal, all employees. Today I had a scuffle with a man inmate who threatened a Euclid police officer. I felt that I did my job equal and fair, but because I'm a female I'm being laid off as well as those under me as well.

Mrs. Susan McGinn – 141 Sunnyclyff Dr. I have two things I'd like to talk about. One is on September, I believe, 24<sup>th</sup>, there was a fire at Sunshine Apartments on Lake Shore Boulevard and a fund was set up for the residents of that building. I've been in contact with several of those residents. They've stopped me on the street. They've come to my place of employment. They've received nothing from the fund; they knew nothing about the fund. I would gladly give Councilwoman Hufnagle or Pastor Owens of Living Waters Church the names of these people so that they can receive some of the funds that were donated, if any were. Some of these people are in dire straits. They're having a very difficult time right now and they could use all the help they can get. So it's been almost 3 months and I do not want a response right now. Thank you. You can get me the names or I can give you the names of the people if you need it.

I know Law Director Frey settled the suit with Providence Baptist Church, but I do have a question, President Sustarsic, for all of the Council members. And I'm not sure exactly how the Charter would ask it if I can ask them each individually or as a group.

President Sustarsic – I, well, usually this isn't really a back and forth type of thing. So if maybe you could ask the rhetorically or whatever and at the same time get in touch with them after the meeting.

Mrs. McGinn – Okay, okay, and I'm going to go on the assumption that the same five that voted for the Providence Baptist Church in the beginning were in support of the settlement then. Because my question was did you support the Director's settlement of the lawsuit? And I'm going to tell you what I think your answer, yes, says to the people of this City.

By answering yes, you've shown disrespect for the close to 13,000 Euclid voters who on November 2, 2004 sent a message loud and clear by voting no on this project, regardless of the pending lawsuit. By answering yes, you, too, are ignoring the wishes of the majority of your constituents. By answering yes, you no longer hold the trust of this same majority of voters. By answering yes, you authoritatively abuse the vital concepts of liberty, democratic principle and we, the people. You have chosen to succumb to threats from outsiders rather than stand up and represent the desire of the majority of the Euclid voters, the very people who put you into office. Therefore, based on a resolution of support I and other residents of the City of Euclid ask for your resignation this evening.

Councilwoman Hufnagle – I would like to address the issue of the apartment fire fund. I've been working with the owner of that building, and I'm probably not saying his name correctly, Covic. He's providing me a list with the residents that live there. I've spoken to 2 of the residents. I've been in contact with 2 of them because they've called me. They're the only 2 that have called me. And one other, who called the Council Office, and I've not been able to get back in touch with her.

The fund is closed out. We are waiting to disburse the fund and working with Eaton Family Credit Union with it. However, we would be happy to open the fund again and take a donation from Euclid Awareness. Thank you.

President Sustarsic – Next speaker, please. (Female voice shouting from the audience.) Please, Ma'am, if you want to speak, you step up to the podium. Thank you. Next speaker, please.

Mr. Bill Mabel – 24661 Hawthorne Dr. I want to deviate a little bit from what I was going to say because I'm really hurt tonight that somebody would talk about Euclid Avenue. I lived 50 years there. I walked that every night. I do respect the Police Department being there and there are good people up there. So to put that kind of label and send that out to the community, I resent it.

Anonymous Male Voice – Look at K-Mart.

Mr. Mabel – K-Mart...

President Sustarsic – Sir.

Mr. Mabel – Robert Burns said the greatest gift that God can give us is to see ourselves as others see us. Some times we have to go to the paper. And I looked at the Plain Dealer. And I know there's been a negative comment about the Plain Dealer. Do you want to make a negative comment about Regina Brett, Tom Friedman, Philip Morris, Sam Fulwood and all those people that contribute to the Greater Cleveland dialogue? Don't be silly.

In the article it said if the blind leads the blind, both shall fall into the ditch according to the Gospel of Matthew. Isn't that interesting around Christmas time? Here we are preparing for Christmas and Christ's coming and we're getting all this negative.

Mayor Bill Cervenik last week agreed to settle a lawsuit with Providence Baptist Church, a Cleveland church that sued after the suburb blocked its effort to develop land it owns into a new sanctuary and housing development. What a great asset for this community that we can have.

Cervenik took an unpopular stand because that was the physically and morally sound thing to do. He was doing what voters elect him to do. He's leading.

I want to ask Councilman Kirsten Holzheimer, you know, we've worked for honest conversation for many years. And I've worked with you and tried to sell and encourage people to move in this community. And I'm asking if you and I and the Mayor and whoever else would open to an honest dialogue and maybe around Martin Luther King time that we would invite the Providence people into our homes to have a dialogue because we want Euclid to grow. So I'd ask you that and maybe talk to you later and thank you, Mayor.

Mr. Chuck Booms – 94 Sunnycliff. I was going to tell you we found the Hound dog in a downspout and thank God it doesn't have diabetes.

Most of you guys up here know me, for those of you don't, the audience, I am a national television commentator for the number 1 cable channel, Fox News Channel. Thank God, she's got cable.

And I just want to say that I've been on television and radio for 14 years and very proud to say that throughout that entire time I have kept a home in Euclid. And I've maintained residency here. And I've even kept my bank accounts here regardless of how good I did and I did pretty darn good out in Los Angeles where I lived for 9 of those 14 years.

To see what has happened to Euclid is appalling. Several of the people here, including the Mayor, who I happen to like personally and had lunch with recently, you know, Mayor, this used to be the City of superior services. That's what we were known as. Now we still have great police, I know most of them. Great Fire Department, the Fire Department saved my family back in the 70s on 212 Street and I'll never forget them for that. But now it seems we've become simply a City of backroom deals, selfish and self-serving politicians and thousands of for sale signs.

As an entertainer, I have an agent and I have a manager. I have a publicist. And they get paid, but they get paid by me. And occasionally, they lose their way and will start to tell me what I'm going to do with my life and my career and I have to suddenly stop them and say guys, you work for me. That's what's going on here guys. You work for us. What part of 8,000 no's don't you get? You know, I don't need a lecture from the last gentleman about Christianity and Christ. I have put money and time into charities my whole life including basketball games here at Euclid for years. I do private donations. I know all about being Christian. It's interesting that a church is coming to town and bringing Christian values. Would it have not been Christian of all of you to get together with all of us and not have a backroom deal and allow us to sit and talk about what we might want in the settlement? We lead by taking away people's rights...

President Sustarsic – Mr. Booms, Mr. Booms, excuse me, Mr. Booms, you have to address the Chair. Thank you.

Mr. Booms – Which one? That one?

President Sustarsic – No, this is the Chair.

Mr. Booms – Half the time I feel like I'm talking to that one.

President Sustarsic - This is the Chair.

Mr. Booms – I understand. Well, the reason I turned halfway, Mr. Sustarsic, because it's not only to you. It's not only to the gentleman up there. It's only to the Council people sitting here, many of whom are my friends. This is outrageous. And it's outrageous because all of you have become afraid to talk. You've become afraid to have dialogue and it leads one to suspicions. Why? Why no dialogue? I mean, Mayor, surely you know, you're one of the smartest guys I've ever met and talked to you. We went and put signatures on the ballot. We came out and waited for the first time at the Clubhouse, which looks great by the way, lines around the corner to vote. That's what our boys and women are dying for over in Afghanistan and Iraq so we can vote. We can have a voice. And yet you guys go into a room with an agenda and do what you want without meeting with us? And I'm supposed to accept the fact that, Mr. Frey, you say it's because it was in our best interests. If it was in my best interest and their best interest, why was it not in public? Why could you not wait? Why did it have to be over the holiday so you got an extra week or two leading up to the next Council meeting so we can voice our outrage? This is typical Clinton stuff for God's sake. Throw the bad news out on a Friday and hope they forget by Monday.

President Sustarsic – Thank you, Mr. Booms, your time is up.

Mr. Booms – I have one thing I want to say.

President Sustarsic – I'm sorry your time is up.

Mr. Booms – I want to end by saying this, Mr. Sustarsic. In the great...

President Sustarsic – No sir, I'm sorry, sir, no, your 5 minutes is up, sir.

Mr. Booms – Don't point at me. Don't point at me.

Sgt.-at-Arms Nagy – I'm sorry your time is up. Take a seat.

President Sustarsic – Would you please escort the gentleman out.

Mr. Mike Tortorici - 635 Voelker. I was born and raised in Euclid. I choose to reside in this community. I'm not a gifted speaker so please forgive me for reading my notes. I'm nervous and I wish to clearly voice my concerns. In 40l+ years I've witnessed many changes in this City. I do not

consider myself political by nature. I'm very uncomfortable at this podium, but I still feel compelled to speak to all of you, and most especially, to the people out there viewing.

To put it mildly I've grown weary of the same mean spirited boisterous group of people. They express their opinions. They claim to represent our community. Stop this deceit. Stop this dissension. You do not speak for me. You do not speak for me. You do not represent the thoughts and opinions of this community. You do not speak for me. It is obvious who you represent. You are a politically motivated anti-Administrative faction within this City. Your ulterior motives aside, you should be ashamed of the spectacle that you've created. I'm sure the media appreciates this circus.

I'm going to share, obviously, we've discussed the Plain Dealer. Everybody here, though, you know, reads the Observer and the Euclid Sun Journal so, they've never read this Plain Dealer before. But the editorial from Sunday, November 21<sup>st</sup>, 2004, says if the blind lead the blind, both shall fall into the ditch according to the Gospel of Matthew. Euclid is fortunate to have a Mayor with clear vision who refuses to lead the financially ailing City or let it's more myopic residents lead him into a deep and dangerous ditch.

Mayor Bill Cervenik last week agreed to settle a lawsuit with Providence Missionary Baptist Church, a Cleveland church that sued after the suburb blocked its efforts to develop land it owned into a new sanctuary and a housing development.

Two weeks after Euclid voters rejected zoning changes that would have cleared the way for the church to build, Cervenik essentially overruled voters and avoided a costly and contentious court battle by removing all barriers to the church's plans. Cervenik understood clearly that his decision would not sit well with many Euclid residents, especially a vocal minority committed to undermining him. But he has confidence befitting a leader who understands he has done the wise thing. Euclid would have lost the court battle and paid dearly in the losing. The same residents that now rise to vilify him would have been the first to assail him when the bill came due and municipal services were cut. Cervenik took an unpopular stand because that was the fiscally and morally sound thing to do. He's doing what the voters elected him to do. He is leading.

It sounds like common sense to me. It's not that difficult. I'd like to commend Mayor Cervenik for his decision in the face of this persecution. I'd also like to welcome our new neighbor, Providence Baptist Church, and I pray for a smooth development and transition.

The Plain Dealer editorial refers to Matthew 15. In this chapter Jesus addressed the Pharisee and Sadducees as hypocrites and blind leaders. Jesus further explains the issues stem from the heart. From their heart come evil thoughts and evil words. Mr. Puppet Master change your heart. Cut, severe those strings. Stop dragging the City, stop dragging my community, stop dragging my home through the muck. Thank you.

Ms. Mickey Bell – 150 E. 208<sup>th</sup> St. We've heard an awful lot of very emotional discussions on things that all of us have been concerned about. But the decisions are made. We're all down in that ditch, rolling around in the mud and I say let's get the heck out of the ditch. So if you don't like the way the City's being run, bring a buddy, come to Council. Talk to your Council person. Start an awareness group. Do something besides come in here and complain because you know what? This isn't doing anybody any good. Thank you.

Mr. Mike Mihalich – 101 E. 202. I am not an entertainer. I don't have an agent or anybody else that get me off and rolling. First of all, I was a little late getting here tonight I was at the Euclid High School sports banquet. Very proud to see so many talented and smart young, excuse me, men and women in our Euclid High School. Congratulations to all of them on a job well done.

The Hillandale settlement, if I was to first react to the e-mails and phone calls and the people that stop me after the lawsuit was settled. At this point in time, I think we'd be running the ERC, which would be the Euclid Recall Committee. However, it is always best to wait to get a true consensus of what the people may want. I guess we'll see in the next few days.

Mr. Mayor, Mr. Frey, members of Council, I guess there is nothing else the citizens can do in regards to Hillandale. From the beginning we played by the rules. We call Council members. We sent e-mails. We've addressed this podium at Executive Committee meetings. We addressed you at Council meetings. We were quoted in the paper talking about all the things that were right and wrong with this project. A lot of time spent time investigating what was truth, half truths and outlandish lies. Citizens were called racists, hate mongers and there was even a hit list. And yet through all this, many people stayed within the rules. We ran a clean campaign. It resulted in a successful referendum. with a 60% no vote rejecting the plans. And then you pulled the settlement card on over 12,000 citizens. I ask, is this still playing within the rules? Giving carte blanche to developers and bypassing the will of the people? Do we have another avenue? Article 3 of the City Charter regarding referendums, initiatives and recalls still means there's another avenue for citizens to explore or can you simply resign. Thank you.

Mrs. Judy McKay – 1720 E. 236<sup>th</sup> St. That's Ward 4. I've been a homeowner there for 18 years. I came to speak about an issue that was being either put in committee or talked about earlier, the healthcare consultant issue. I have a little bit of expertise in that background. I formally was employed at the City of Euclid here for 7 years prior to that I was 10 years in corporate tax and treasury at Medical Mutual.

I can only say that I could wonder at the cost effectiveness of trying to do something every 3 to 6 months when you have an healthcare contract because it would be an administrative nightmare in my opinion. You know, you have people that have to budget a certain amount of money for their deductible, their co-pay and then you're going to change it like every 3 to 6 months. I can't imagine that a administrative services only provider would even be interested in that. So I wanted to just set the record straight on that. In my opinion, I think, you know, most open enrollments are conducted from October to November for a reason. You can only elect your healthcare coverage changes once per year. So for Mr. Szana or whoever would be chosen to have a year agreement is reasonable. You know, maybe looking at another consultancy in another year might be reasonable too. But to look at one in March, in my opinion, would be totally unreasonable. It would cost this City probably \$10,000 to do an RFP. And I can't imagine with the bare bone staff you have left here trying to administer any kind of a change that quickly with that quick of a turn around. I had to come down and speak to that because now it's my money too. So now I just wanted to point that out and get that out to the public that there's other issues involved when those type of decisions are made. Thank you for your time. Thank you for your work.

Mr. John Conway – 291 E. 276. I realize that many people, including probably yourself tonight, Mayor Cervenik, are quite frankly expecting me to announce to the City that we've started a recall drive against you to remove you from office. And I know you'd like us all to believe that you're not concerned about a recall and you stated in the paper that you'll deal with that certain segment of the community when they come forward. Well, I hate to disappoint everybody tonight; but I'm not her to talk about recall. We can save that for another Council meeting.

But tonight I'd like to focus on your accomplishments now that you've successfully survived your first year in office. One of your cornerstones of your Administration was your desire to strive to promote a positive perception of Euclid throughout our region. It's my opinion that in the first year that you've served as Mayor it's truly been outright disappointing. Even if we ignore and simply don't even mention the word Hillandale tonight, we still have a laundry list of disappointments that this City has had to endure over the last 12 months. Again, this is simply opinion and a lot of people have used the word opinion tonight. And for the record, Webster's Dictionary defines the word opinion as the following: A view, judgment or appraisal formed in the mind about a particular matter, a belief stronger than impression and less strong than positive knowledge. We're all entitled to opinions. Everybody in this round regardless of what side of any issue you are on.

So let's review the last 12 months as I see it. We've experienced the Mayor's hit list, which originally I was not on probably because I did not vote for Ed Gudenas despite popular belief. But I'm sure it's safe to assume that I'll be on any hit list here forward. We've had to endure the Briardale Clubhouse debacle, which we were forced to accept the new Mayor's plan despite the previous Administration's time and investment in developing an approved project.

We needed to borrow \$2 million to balance the City's General Fund. There was the flip-flopping about whether we would or would not have a fireworks display. We had a summer festival cancelled. There was a decision to first not fund the school crossing guards program only to reverse the decision once you gauged the popular reaction at the fact that your decision potentially put children at risk.

We've had constant threats throughout the last 12 months of safety forces layoffs, tax levies, garbage, sewer, trash pickup fees and now you're talking and now we've heard tonight from your letter that you're considering closing down the women's prison.

We had the Bennington Hamlet situation, which at least somebody could have probably reviewed a deed to find out whether or not anything was done wrong.

The City's bond rating has been lowered on your watch. And finally, and I'm sure not last, the future of Shore Cultural Centre is clearly the next target on your hit list.

Despite this list I'm sure there's a few things I've forgotten and I apologize for that, but I honestly believe you have achieved one of your major goals. And that was your goal to unify the community. Unfortunately for you, the major problem with this is that you successfully have unified a large portion of the community to be against you. Mr. Mayor, if you believe your own press clippings in the Plain Dealer and truly believe that you are a leader and visionary that they claim that you are, then follow your own advice. The same advice you claim to have relied upon when you settled the Hillandale lawsuit and ignored the vote of 12,850. Ask yourself a simple question. What should I do to most positively impact the City of Euclid? And if your conclusion is the same as mine, simply

resign. Resign today and save yourself the embarrassment of being recalled. The simply, the City simply cannot afford another 3 years of your leadership. Thank you.

Mr. Victor Goodman – 20201 Glen Russ Lane. First, I have to make 4 corrections to the last time I stood at this podium. I apologize to Mr. Hilf. I called him Mr. Walsh. I said that Rebecca Conway came before this committee on December the 18<sup>th</sup> to ask who was the builder? That was October the 18<sup>th</sup>. I said that the first time I came here was in January to speak out against the Mayor. That was incorrect. That was February. I came to speak about cable in January.

And lastly, I have to correct myself for an over exaggeration and apology to the Mayor. I said you called out 16 names. I checked the record it was only 11.

There are so many places for me to go. If you note, I really don't have prepared speeches lately. The gentleman who came up here and read from Matthew. The person who wrote that wonderful thing in the Plain Dealer was the same one that called the group of people against Hillandale a hate group. So I would not take him for any word that he would write. He proposes hate. I noticed a lot of and I noticed one gentleman who I do know is from Providence. I want you to know I welcome you to Cleveland. From the day I walked in here in February, I stated its not I'm against you, I'm against the way this has processed.

Now I would like to ask Financial Director Johnson how much did the Hillandale Settlement television show cost the citizens of Euclid? Please note for the record that I am getting a blank stare in asking a question from an administrative person. I will keep asking ....

Mayor Cervenik – As the rules state, when the questions are asked and the person sits down, we can provide an answer at that time. Thank you.

Mr. Goodman – But you don't answer it at that time. I want to note on that wonderful television show which is the single most run show in Euclid history, it supersedes Council, it supersedes anything. Four to five times a day, it's a wonderful show. Actually in seriousness and not in sarcasm, Mr. Pietravoia, you make a fine over voice.

I find it hysterical that we would not stand up with 12,000. I notice that gentleman came here and ran out as soon as he finished. If a minority in the City of Euclid is 12,850 people, you all better run for the hills. Because there isn't a politician sitting here that received 12,850 votes to get elected.

The settlement as Mr. Frey spoke to said we have the right to sue the church if they don't live up to the quality and standard of materials. Gee, isn't that interesting. We wouldn't stand up for 12,850 people, but should they use bad plywood, we'll take them to court and spend whatever is required. I also thought it was fascinating that Mr. O'Brien made a statement that he had 30 years, by the way not 60 years, thirty years, three decades is what he stated, of municipal zoning, municipal court experience, law. Yet isn't it interesting that he told us that we were going to have to go all the way up to the Supreme Court. Evidently he must not be up on the date that the Supreme Court is hearing RLUIPA and I would like to know from the City, will we get our money back from this lawyer if RLUIPA is declared unconstitutional?

They also said they studied this for seven months. Well if you had this settlement for seven months, why did you waste \$100,000? Why didn't you settle it then?

It said, he even said that he could locate anywhere in Euclid. But I got to get to these two points before my time is up. 1984 ordinance, why haven't you passed a new ordinance people? There's an unconstitutional ordinance. I want to know how many pieces of land your putting aside for future church issue? Because God forbid 5 churches want to come in here in the next ten years and there's only 4 parcels, get out your book, you're going to be sued.

Director Frey – Mr. Goodman, I said for point of clarification that the two attorneys, Margaret Cannon and Steve O'Brien combined had approximately 60 years.

Mr. Goodman – They said on the TV .....,

Director Frey – No they didn't sir. The fact of the matter is that whether or not RLUIPA is declared unconstitutional or constitutional and I would agree with you that it will be considered and reviewed by the United States Supreme Court. Our zoning code as applied to church property in the opinion of the attorneys representing the City and the land use planner representing the city and the determination of the Law Dept. of the City of Euclid was regardless of RLUIPA, we would not be able to withstand a constitutional challenge on first amendment grounds on our zoning code as it applies now. The 1984 that presently exists that classifies only those properties currently occupied by a church for church use, would not withstand that kind of scrutiny forgetting RLUIPA as a component of that. I take exception to your comment. I believe that the presentation that was played for the citizens of the City of Euclid in an effort to provide the information as to why the City

Administration determined the settlement was the best option. The record of that proceeding would indicate that Council has said that regardless of the outcome of RLUIPA we would not withstand a constitutional challenge on our zoning code and that was the reason they suggested to the City, the City agreed that we would settle the law suit.

Mr. Goodman – What about my other question, Mr. Mayor?

Mayor Cervenik – I don't have the exact cost of the program.

Mr. Goodman – How about an estimate?

Mayor Cervenik – We used our own staff. Obviously the attorney's time I'm sure was billed to us. I think its very important, I mean if people are talking about healing and people are talking about understanding exactly what happened, we have a responsibility to run that program and present to the people the full facts.

The administration because we were in litigation was unable to answer many of the questions that were brought up because of confidentiality. That confidentiality wasn't waived until I believe the Thursday or Wednesday before the election. I've had about 7-8 people call that first week after we settled the law suit and at first they were upset. But when I talked with them for 5 or 10 minutes, and told them many of the things that are on the table, they understood and they said Mayor, I wish we would have known that before. There are still people that think the houses are receiving full tax abatement. As the Mayor and head of the administration, we have a responsibility to make sure that our residents understand the full story, understand the reasoning for the settlement and then they're welcome to call me and talk with me and discuss it further. That's exactly what's been happening over the past few weeks. We will get the cost as best we can on the tape.

Mr. William Hilf – 891 E. 237 Street, Euclid. I'm here tonight representing the Shore Cultural Centre Tenants Association and inviting the public to join with us on December 19<sup>th</sup>, that's Sunday, December 19<sup>th</sup> at 5 PM, to meet us at Shore. We're going to be holding candlelight caroling. We will be walking throughout parts of the city singing Christmas Carols, bringing the holiday spirit to Euclid. We ask that you join us. If you are interested or want more information, I can be reached at (216) 731-5793 or at [shorereport@yahoo.com](mailto:shorereport@yahoo.com).

Now speaking as just a regular citizen, not representing any group or faction in the city and not speaking for any applause or points with anybody out here tonight. The word leadership has been thrown around quite a bit, in newspapers, by speakers, and by different individuals. I think there does need to be leadership from all sides. There has been all this talk of healing and leadership once again has to come from this side of the railing if there's going to be any healing. If there's going to be any healing, it's going to have to start with someone on this side of the podium making an effort to reach out. I think there might have been a lot less problems with the church voting had when people came up and asked questions at the committee meetings in January and at the Council Meetings had they been answered any way, shape or form.

The one example I will give is that I asked Mr. Taylor a question about what developments he had done in Cuyahoga County. He did not refer to the Christian Fellowship Center. I came back at the next full Council Meeting and brought that point up that I did not feel that I was answered in full by Mr. Taylor and I asked Council to please get me an answer on that. The first time that I saw any type of answer explaining what happened by Mr. Taylor's side of the argument there with Christian Fellowship Center was when the Cleveland Magazine did an article about Hillandale. That's just my own personal example.

I don't have a problem with the church project in Euclid. I don't have a problem with houses being built. I just need to have the information. We were told to do our research. It's real estate. I'm a title examiner. I have the experience to do that. I did my research and I wasn't given an answer. That's all I asked for. That's all I ever ask for when I come up here. There are times when I get upset, there are times maybe when I use metaphors or similes or comparisons that maybe sometimes aren't flattering. But I've always tried to avoid name calling. I do respect the individuals that are up here. You were elected by the citizens, but there needs to be a mutual respect and I haven't felt it, I haven't seen it and I think that's part of the reason why the situation keeps getting worse. Thank you.

Mrs. Bernadette Walsh – 651 E. 266. I have a couple questions that I would like to ask. First of all the Mayor keeps saying he has spent \$100,000 already on the Hillandale project. Fighting it, winning it, losing it. I don't quite understand, but I would like to know where I could find the documentation for that figure.

The next question I have, it goes to why do you keep arguing with Ms. Mancuso when she tries to save you money. Maybe I don't know 3, 6, 7, 8, 9 months, maybe I don't know all that, but I look to her as the professional. What I would like to have you publish, I want you to give me a list of the drugs that the City of Euclid pays for for its employees so that I can compare it with the drugs that my employer pays for where I have to chose A, B, or C blood pressure pill; A, B, or C cholesterol pill. I want to know what you're paying for and to what extent. What's the percentage? Do you pay for Viagra? Do you pay for mind-boggling drugs? You don't have to tell me who takes them, but I want to know what you're paying for.

I want to know what's the love affair that I should go buy the Cleveland Plain Dealer? Oh wait, it's not the Cleveland Plain Dealer now, it's the statewide Plain Dealer. Should I buy that and have that in my home in Euclid because its so favoritism to this administration? I'm curious. And you know what? Separating church and state is a wonderful thing. But a lot of people have been tossing Jesus around tonight. I think Jesus is sitting watching you and I think he's disgusted with all of you. Jesus is my God too. Jesus went into a temple and he kicked a little butt. Because he was ticked off at what they were doing. Isn't that what we're doing? We're questioning. You had a great campaign the night before election night and you had a full house of African-Americans. None of them were from Providence. They were from another Church in Euclid. None of them lived in Euclid. Some of them have become my friends and are talking to me, volunteering for me, working with me now. You know what, they're good people. But you put up a false front when you had those people come here.

There's two other points. Mr. Daly, when someone's making a point, it's not a joking matter. Your attitude of laughing at the people, offends me. Miss Hufnagle, your arrogance and despicable attitude offends me.

Mr. Matt Sarver – 26550 Shoreview. Talk a little bit about the settlement tonight. On November 17<sup>th</sup> at the behest of Mayor Cervenik, Law Director Frey signed off on a settlement between the City and Providence Church thereby usurping the will and negating the voice of nearly 13,000 residents. The terms of the settlement include several concessionary items which the Mayor has been touting on Channel 23.

I would like to discuss why these discussions are no real bargain for the city. Item #18 of the settlement states that a parcel, I believe it is a 6 acre parcel and correct me if I'm wrong Mr. Mayor, will be conveyed to the City and annexed to the Hillandale Park. I suspect this was done to dispose of a portion of the tax exempt acreage by donating it for public use. Now at first this sounds like it could be a good thing. However, it is this parcel which will also serve as the permanent storm water retention basin for the entire project. According to the plan, a total of 3 retention basins will occupy the irregular shaped parcel. Most, if not all of the existing trees and vegetation will likely be torn out to facilitate the construction of these basins.

Once the parcel becomes City property, the City will then become responsible for maintaining the infrastructure of these basins, including the pipes, baffles, head-walls and other structures associated with storm water management. If the parcel were to be left in its current natural state, this concession could be viewed as somewhat of a silver lining. But let's be honest, when was the last time any of us grabbed our blankets, filled our picnic baskets and headed out for a glorious afternoon picnicking in the retention basin. Unlike the E. 222 Street basin, neither of the three basins appear to be set up for wintertime recreation such as tobogganing. In the summer months, the standing water in these basins will be fertile ground for mosquito population. The bottom line is that rather than encouraging public use, this area will be publicly dis-used.

In addition I question the thought process surrounding item #12 of the settlement. This items states that two odd-shaped parcels will be set aside for future commercial use. These parcels appear to be what was left over from the preliminary discussion, I'm sorry, design process done by the architect. In the surveying business we refer to these lots as bastard lots. Since the physical shape of these parcels precludes residential use, they were rather conveniently labeled for commercial use. I view this as a half-hearted eleventh hour attempt to appease the many residents who feel that the entire 68 acres in its entirety shouldn't have been utilized commercially. The types of commercial use that these bastard parcels would likely attract may clash with the residential portion of the church project. Such uses will probably be rejected by the Church group as they do reserve this right for item #12.

The bottom line here is unless someone proposes a religious goods store, these parcels may never be utilized to their fullest tax-yielding extent. Aesthetically speaking, these parcels maybe better off zoned, I'm sorry, used rather as green space for perhaps a buffer zone.

I am disappointed that Judge Kathleen O'Malley did not postpone her ruling, which is item #2 of the settlement until next month when the Supreme Court will convene and issue a ruling on a RLUIPA case, thereby establishing high Court legal precedent on the matter. Although she was not obligated to do so, it would not have cost us anything and the outcome might have been far better.

Euclid has been revered for decades as the grandfather of modern zoning. Euclid's fathers stood their ground in the Ambler case and we have long since enjoyed the protection of that prudent judgment. In the Hillandale case however, the administration not only betrayed the voting majority, but also reached back in time over 7 decades to give Euclid's leaders of that era a slap in the face. It's not that our outside legal counsel wasn't up to the challenge, quite the contrary. They're good lawyers. But a lawyer is bound by the wishes of his or her client. The bottom line here, Bill's team got paid to throw the fight. Thank you.

Director Pietravoia – I would like to respond to some of the points that Mr. Sarver brought up regarding the area that is going to be dedicated to the City. It is approximately 6 acres. I believe you made that statement, that is correct. The area that will be used for the retention ponds is about 1.6 or 1.7 acres of that 6. Those areas through the settlement agreement will be maintained. The responsibility for maintenance will be for the development, not for the City of Euclid. I just wanted to clarify those two points. It is not the entire parcel. It will not require clearing all the vegetation. It was intended to add to Hillandale Park and to keep part of the site in its natural state, which also by the way is consistent with the recommendations of the Master Plan for this particular parcel.

With regard to the comments on the commercial use. Those lots, approximately 3 acres that are being dedicated for commercial use are closest to Euclid Ave. I don't agree with your opinion and our professional consultant that was brought on board did not agree with your opinion that these lots are not usable for commercial. We do feel that this is a significant gain for the City and they are in an area that's closest to Euclid Ave. where it makes more sense for those parcels to be commercial. So they will be in a commercial use and taxable property. Thank you.

Mrs. Alice Yatsko – 26930 Gary Ave. I'm very interested in the letter that the Mayor sent out about the subscriptions to the P.D. You know, there's, for new subscriptions, the Recreation Department will get a certain amount of money. This sort of bothers me in a way. Who's going to oversee this donation or whatever that the P.D.'s going to be giving to the City for the Recreation Department. Not only that, is there, I have to take a second look at this and wondering just why is the P.D. doing this. Is it could be that they have lost so many subscriptions in the last couple of weeks? Thank you.

Director Will – Well, if I can explain to you in regards to what happened with the Plain Dealer. A couple of months ago there was some correspondence that was sent to the Mayor's office from the Plain Dealer asking if the Recreation Department would be interested in additional revenue. He immediately brought it over to my office and said, here, take a look at it. Review it with your staff. That's what I did. I talked to all the staff members; I went around to some of the public; I went around to other cities and said hey, would you buy the Plain Dealer to help out the Rec. Department for an additional \$20. Well, of course, to us the staff and some of the public that I had spoke to it was a no-lose situation. If you'd open your register for the Plain Dealer, we don't lose anything. The Plain Dealer is the ones that solicited us. They also, the Mayor turned it over to me and it was my decision to go ahead with this. I had gone to the Mayor's office and asked him to sign it. I sent it back to the Plain Dealer. They sent it out to all the people in the City of Euclid that were not currently subscribers for the Plain Dealer. And not only are they just doing this with the City of Euclid, they are doing it with a variety of other cities. I had asked the Plain Dealer to fax me over a list of those cities just so I could have them and read it off to everybody tonight. Unfortunately, I didn't get it faxed to me. I will continue to get that tomorrow and send it on to Council. But it's not just the City of Euclid. I did not think it would hurt. It was a great win-win situation for the Rec. Department. We're always looking for different ways to collect the revenue.

What's going to happen is the lady that we spoke to at the Plain Dealer is going to contact us the end of December, they will cut a check to the Parks and Recreation Department and send it along as a donation. But I just wanted to set the record straight. It was myself, as the Director, that asked the Mayor that we could do that. Thank you.

President Sustarsic – Okay, thank you. Next speaker.

Mr. Joe Udovic – 21371 Naumann. I see we have another episode of Mad TV going on this evening. Well, I have a quick question for anybody, Council or the audience. How many people are currently dissatisfied with what the Plain Dealer has been doing? Raise your hands. Oh, that's very good 'cause I've got some advice for you.

A traditional holiday was celebrated throughout our great country, Thanksgiving Day. I was advised to be thankful for the many gifts and blessings that are in my life during this festive time of year. I shall only speak of only a few this evening. I'm grateful to our community is blessed with a monthly publication called The Euclid Observer. This single newspaper has grown in popularity. The demand has increased immensely recently. I was informed that some of our citizens are

dissatisfied or unsatisfied with the reporting of the Plain Dealer recently and they have cancelled subscriptions. I would advise any and all residents who do not like the Plain Dealer, please grab a copy of The Euclid Observer. If anybody cannot find one, please give me a call at 216-383-8359. I will try and find you one myself. I'd be willing to help any resident who are unable to get a copy of The Observer. Thank you.

I am thankful that this community has a group of active citizens, the Euclid Awareness Group. During the past 12 months, this pro-active body or group, a multinational mixture of citizens has volunteered tirelessly to investigate the Hillandale issue and kept our residents, Council and Administrators informed. Unfortunately, some of the Council members and Administrators have not been paying attention or are not listening, sad.

I'm also thankful that 2004 is coming to a close, but with this closure a new open door shall arrive. Creative citizens can once again seek petitions in 2005 for public office. Who knows? Maybe we'll get new Council President or maybe a lot of Council members will be replaced. Thank you. Have a good evening.

Ms. Linda Fleming – I work at the Jail and as you can see, I'm an auxiliary officer. I just have a question for the Mayor. I keep hearing, we kept hearing about layoffs, layoffs, temporary situation for the budget, this and that. Then we get a letter, certified letter from your office stating that the position's eliminated and now we're being terminated. Can you answer why you used that terminology?

Director Frey – The letter, the choice of terminology in the letter was based on the determination by the Law Department that the position would not likely be refilled in the near term. Rather than use the term layoff, the term termination was put in the letter. There's no practical difference to the benefits that you receive or the obligations and rights you have under the collective bargaining agreement. There is a 2-year recall period. If the positions are refilled, those positions have to be offered to the individuals based on their seniority that are on the layoff list. So there is no practical difference. The reason the term was used merely one because there was not an immediate inclination that those positions would be refilled.

Ms. Fleming – Okay. My next question, you just said seniority. Why am I getting laid off by gender not seniority? It's a legit question.

Director Frey – There is a qualified job requirement that has been reviewed by the Civil Rights Commission, State of Ohio. There's a recent Sixth Circuit case that deals with the same issue that indicates that municipalities may make gender-based determinations on employment requirements for positions where there is a unique reason that male or female employees have to be used. In this case the determination is that based on the closure of the female wing of the Jail. The number of female corrections officers would need to be reduced accordingly. It was that reason and that reason alone that the layoffs were done by seniority within the classification of corrections officers taking into account the gender requirements that the City is entitled to do based on the determination from the Civil Rights Commission and the Court cases that support that.

Ms. Fleming – Can you forward me a copy of that to the Jail?

Director Frey – Yes, we'll be glad to get that over to through the Chief's office.

Ms. Fleming – Okay and another question, since I'm being terminated and I'm going on 48 years old, I would like my letter from the Mayor of commendation like he promised our union so I could find another job. And the State says that the women can work on the men's block and we do work with the men all the time. Any comment on that?

Director Frey – I've given you the rationale and...

Ms. Fleming – Okay. I'm just telling you how I feel. I'm very bitter because I put 15 years into this job. I've been injured. I've got Workman Comp claims. I'm do for surgery now. Dealing with people, doing my job that I can do to this day. So, I mean, there's a lot of people that feel the same way I do. All the females, especially Pam, she's been almost as long as I have. To me it's discrimination. So we'll see how it ends up. But I would like my letter, sir, Mr. Mayor.

President Sustarsic – Next speaker, please.

Mr. Dennis Fricky – 141 E. 280<sup>th</sup>. Last meeting the Council President lectured us about respect. Not 2 days later the Administration did not respect the Euclid voters so my question would be is that respect? Since we were talking about that.

The issue is not Hillandale it is about the carrying on the wishes of the voters. I will repeat that. You know, nobody's really mentioned that. I mean, no matter whether you voted for it or you voted against it you voted. And what you're saying Mayor is that our vote did not count. Our vote did not count. Now, are we in Ukrania or what? I mean, this democracy, I don't know what, I don't know where this comes from that you can just veto this.

This proposes a question that I have. If there's a tax increase put on the ballot and it fails, will the Mayor veto it saying we'll go in default. Can that happen, Law Director? Can he do that?

Director Frey – Whenever you're done, sir, I'll answer your questions.

Mr. Fricky – Oh, okay, that's fine. That's fine. It's nice to see answering some questions. That's good. I'd like to know for the record the 5 people that voted for the rezoning, do they agree with the settlement? Can I ask that? Can you guys go on record?

President Sustarsic – Again, this isn't the time and place. You really don't go back and forth. You can make your comments and...

Mr. Fricky – Oh really, well, are you going to answer me afterwards after I get finished?

President Sustarsic – We can talk to you outside after the meeting, yeah.

Mr. Fricky – I want it on the record.

President Sustarsic – It's already on the record as to, as to who voted for it.

Mr. Fricky – The 5 people that voted for the rezoning agrees with the Mayor about the settlement.

President Sustarsic – You would have to talk to the individuals.

Mr. Fricky – In other words my vote didn't count, the 5 people that voted my vote did not count, right?

President Sustarsic – You would have to talk to the individuals and you can do that.

Mr. Fricky – You're looking bad there. Okay. Talking about respect again, I haven't been up here in a while. But I watch the meetings and I still see this when a question is asked by somebody in Administration, one of the common phrases is I'll get back to you. And that just doesn't set right. Or another phrase that comes up a lot, I apologize. I'll get back to you. And I never hear that coming back again. You know, maybe the Administration can write down the question, 2 weeks later say the question was brought up by Mr. Fricky. I want to answer that for him. But I've asked a lot of questions here and it seems to me that, you know, you're wasting your time. Why come up here and ask questions if you don't get any answers. So maybe that's a, you know, strategy. I'm not sure about that.

Mayor, I have one thing to say. When are you going to get jobs in this City? That's what you campaigned on and that's what I'm waiting for. And I'm all for you. I live here. As I think the quote was, we're going to bring jobs, good jobs, good jobs in Euclid. I think that was the quote.

Again, I think the most important thing that I came up here for that I haven't heard mentioned. The issue, again, is not Hillandale. It's not Hillandale. It's that I voted. My vote didn't count. It's a bunch of crap. That's what it is. And I have no political agenda. I just want good government. Mayor, you bring jobs in here, you know, bring the services back. Have the guards hired back. I'll be the first one to come up, shake your hand and say you did what you promised. I hate the politicians that keep on promising stuff and they don't deliver. Now if we had a lot of money, we wouldn't have all these problems. If we get jobs in here, we'd have a lot of money like we used to. Addressograph-Multigraph, all this, yeah.

I think the basic thing I want to see is I want my vote to count. I think this is probably the most important thing, not Hillandale, for me is my vote counts. I mean, I stood in line and I voted. And all of a sudden you say, forget about it, your vote don't count. Thank you.

Director Frey – Mr. Fricky, there is no overriding the vote. The challenge that faced the City in the law suit was the constitutionality of the Zoning Code. Not whether or not the citizens had a right to

vote or a right to referendum. They did. They exercised that right. The outcome was the outcome of the vote. That did not answer the question that was raised in the lawsuit. The settlement was the resolution of the lawsuit. And the unfortunate outcome of resolving the lawsuit was to settle the case in a manner contrary to the zoning change that the vote of November 2<sup>nd</sup> effected, leaving it as light industrial property. It is unfortunate, but it's a different issue. It's constitutionality of the Zoning Code versus the right to referendum. I hope that answers your question.

And the answer to your part where if a tax levy were to fail, could the Mayor impose that tax levy? The answer is no.

President Sustarsic – Next speaker, please.

Mr. Jim McGreevey – I'm a resident of East 226<sup>th</sup> Street off of Chardon Road. Past Co-President of the Chardon Hill Community Association and Treasurer of the One Accord Political Action Committee. I'd like to, I came in late. I was at work. I'm a custodian at Immaculate Conception School out in Willoughby. And it's about freedoms. It's about worship. It's about liberty. It's about all the things that everyone here holds dear and are divided on. And the desire of my wife and I with our entering into this was to bring some information to the City about this issue. We, unfortunately, got in a little bit too late in the battle, and it truly is a battle. It's a battle of words, but there are hearts that are turned against one another that are worse than the words that are said. And anyone that wants to deny that, I've got a bridge I can sell them.

I'd like to honor the City, though, and the residents on one issue, primarily. There was a gathering of people on the Monday before the election at Living Waters Church. Pastor Tom Owens opened his church up. A number of churches were invited. A number of churches gathered together. My wife and I were really, maybe not expecting more than 5 or 6 people coming, that's the kind of reception we were kind of. We didn't really have any anticipation and that night you probably couldn't get another car in the parking lot. Probably 400 people gathered in unity together to pray for the success of this issue, of these issues. Many things were done in One Accord, which I think this City really has to be about unity not disunity. And I think there needs to be some dropping of dissension. I, you know, we as co-presidents of the Chardon Hill Community Association, many of you Council people came in to give your and the Mayor came in to speak about what you were going to be doing as elected officials. Everyone had opportunities to come to those meetings to hear every candidate before they were elected at our community association meetings. Very poorly attended, very many people knew about them. There's very little participation. There's only those that are disgruntled that have an ax to grind and I'm hearing that tonight. And there's people now that are getting into this that have more than an ax to grind. They want this City to be changed for the better without the dissension and the anger that's just boiling over. That, I've heard about this anger and I can't understand it. Can't.

I know several people up here on a personal basis on the, up front here, and I admire and respect those people that I know personally. And those people that I heard give their reasons why they wanted to be on Council, why they wanted to be Mayor, why they wanted to be Council President, every one of them gave legitimate wonderful reasons. Those that won and those that were defeated. So what I'm trying to say is there's no winners here if we continue to be in dissension. The City loses. And I think the Mayor took a very courageous step and I'm in support of what he did. The reason that that probably had to go down to defeat was the lack of knowledge on the part of the City knowing about the truth of what Hillandale offered. There's a web page on the internet that talks about that. Cleveland Magazine gave a very even-handed approach to what it's about. So you kind of, you know, and my wife and I were told what kind of person would you want to be to give your address and your name out in the public. And you know, I have no concern about that. Every person up here is a public person.

President Sustarsic – Excuse me, sir, you're out of time.

Mr. McGreevey – Okay, you know, I've never done this before. I thank you very much.

Mrs. Rebecca Conway – 291 East 276<sup>th</sup> St. It's a great segway for me. However, I'm going to start with something else first and finish with Hillandale.

Miss Hufnagle, I offered to help the fire victims. Baby items, children's clothes, on and on, you did not accept it. So Euclid Awareness was ready to help right then and there at the fire.

On to Hillandale, Paul Taylor sat up here one night and said that once the church sold each lot off to, at that time Snavelly, they, the church Providence, would have nothing to do with the homes. So I question, why in the settlement does it say Snavelly will submit the sub-division plots to the City? Snavelly will submit this and that to Architectural Review Board. I'm sorry, not Snavelly, Providence. Why is Providence is submitting everything and it's mother for the houses to the City of

Euclid if the church had nothing to do with the homes. They were simply selling the land they bought.

In addition, you talk about no tax abatement. No where in the settlement does it talk about no tax abatements. I also question the first settlement that you tried to get Council to do said that Snavelly signed the contract to be the builder. However, this settlement that you finally settled on says #7 Providence and Snavelly Development Company, Snavelly are currently negotiating a contract whereby Snavelly will be engaged as the builder for the blah, blah, blah, blah. So we still don't know who the builder is.

And I'd like this question answered, too. I believe your settlement video is about 45 minutes so I assume that we can, too, have 45 minutes to rebuttal your video to get some of the truth out to the Euclid citizens. As far as 7 or 8 people calling you, Mayor, and they all agreed with you to the settlement after you talked to them. Not true, because I know people that called never changed their mind and gave you a piece of their mind.

You talk about being a leader, Mr. Mayor. Then why haven't you sat down and met with these women correction officers instead of them just getting a letter. You can see that they're confused. You can see that they're scared. Where's the leadership there? Where's your 3-year plan to lead? And in addition to, as far as the law and RLUIPA and our zoning's unconstitutional, Tony Coyne came into this City and said we could beat that case. That we had a very good chance to win this case, but you don't want to talk about that. You just want to talk about the people, the Beachwood Law Director, who's friends with Sheldon Berns. Let's talk about David Hart. What did this City pay David Hart to do, Mr. Mayor? Why does the church owe \$17,500 not to exceed that amount? I think he did the plans. I don't think he looked over the housing plans. He did the housing plans. The City gave them to Providence and they gave them back to us. So we paid for it people. It went from 60 grand to 100,000 real quick, didn't it?

Sixty percent of the Euclid voters said we don't want the rezoning and we don't care about your law suit go and fight it. We're not going to be held hostage. And those same 60% are going to recall you. You're not going to be sitting up there any more. And I've gotten many phone calls from people that I don't know that say I voted for Bill Cervenik and my vote counted then, but my vote didn't count on Hillandale. I want my vote back on Bill Cervenik.

Councilwoman Hufnagle – I just want to clarify one point because the fire was a tragedy and Ms. Conway did offer physical items to me and I told her that the Red Cross was called. The Eaton Family Credit Union, unfortunately, is only set up to take monetary donations. That's just how it was set up. So the Eaton Family Credit Union isn't set up to take items as donations. Thank you.

President Sustarsic – All right, see no other comments from the audience.

Councilwoman Hufnagle moved to rise and report; seconded by Councilman Delaney.

#### COUNCILMEN'S COMMENTS

Councilwoman Hufnagle – I was just waiting for the audience to clear out while they were moving in and out. I want to say, again, what I think is the really important issue that we dealt with here this evening. And again, I want to say that this Council and this Administration has been working over the last year to bring business into the City. And Mr. Fricky wanted to know where the jobs were. All new jobs in America, there's 75% of all new jobs in America come from small business. So we had Trust Manufacturing that was willing to make a commitment to Euclid and move into Euclid. Tonight we voted on selling the incinerator property to Calabrese. This is a company coming from Lake County. They're paying \$350,000 for a piece of property to develop in Euclid to bring jobs into Euclid. They have a payroll of construction workers over a million dollars. Now we see that payroll taxes when they work in the City, but they also have office personnel and they're going to develop other office space. They're willing to make a commitment to the City. They worked with this Council and this Administration.

Lincoln Electric moved 30 some office jobs to the Euclid facility and this year alone has continued to make a commitment to this City and hire a hundred new people. They made a commitment to this City. They committed to Euclid, not another city.

We have Ruff R.V. that is moving into Gene Weiss coming from Lake County. The last time we had any interest in that property the majority of citizens would not have been interested in that proposal and I think we all remember what it was. They're willing to make an investment.

We have activity at the Mall and I know everybody isn't happy about it. It's an untraditional use of the space, but you know what, it's not empty.

We don't want to close the Jail. We don't want to close Shore. We don't want to lay off Streets peoples. We want to pick up leaves on the garbage day schedule like we're supposed to. You know what? We want to run the TV station. All the cuts we feel now are going to hurt. There's no money

left in the bank account. All the cuts now we feel are going to hurt. And they're all going to take debate and planning and somebody giving up something. And I really feel for Jail workers that came here this evening because they are part of the safety forces and it is, again, the safety forces that'll have to take a hit. I still don't have a fire station in Ward 3. The Fire Department has taken a hit. The safety forces are taking a hit. But guaranteed if it was to close Shore in this budget, we would have more than 2 people tonight ranting and raving about it. And if it was to close the TV station, what do we spend on the TV station, a hundred thousand dollars? How many people would rant and rave about that?

Just end with one thing, a woman that I know and respect came up to me and she said to me I supported the Mayor through all this until he gave that land to the church. And I said what are you talking about? He had no right to give that land to the church. We voted no not to give that land to the church. I said the Mayor gave no land to the church. They bought it. What do you mean they bought it? They bought it. They own it. They bought it from the City? No, they bought from somebody else. This country was built on freedom, freedom of landowners to sell their land to whom they choose and freedom of people to buy that land and use it. Thank you.

Councilman Langman – Well, first of all, actually, looking at the customers for a change. And I do want to thank the citizens committee that met those couple of years ago, Denny Weltman and Mark Roeder and Fay Miller contributed to the conversation as did Hank Gulich and Denny Valencic. And I think I've caught everybody, but you know, we were trying to prioritize as to where we spend the money so I do appreciate the Administration making the effort and getting us oriented in the correct way. It's nice to be able to look out at the audience instead of having your back to you. Nobody wants to see my thinning hair in back I don't think.

The question was raised on whether, where we stand on the settlement. I would not have voted to accepted the settlement. Plaintiffs, the citizens have a right to know where their representatives stand and not necessarily one-on-one. They need to know out in public so I don't have any problem saying that.

I looked at this issue like I always have from day one as an economic one. This City has major economic difficulties ahead of us if we don't redevelop our commercial base. Whether we like to think about it or not it's people that work in this City that pay a tremendous amount of the tax revenue that makes possible the Police and Fire and all the other services that we come to appreciate and expect. So what was proposed by Providence Baptist Church, it really didn't matter what they proposed because it doesn't matter whether it was a church or a synagogue or a temple or anything else. That type of development for that area I felt was the incorrect one. So the zoning that it was originally, I felt, was correct as light industrial. When you plan a community, you have to make choices and you have to realize and you have to make decisions as to what type of development works in a particular area. Yes, we do need upscale housing. But given the location of the Hillandale property, was housing the best option for that area? And my answer would be no. And it's no today. And the reason being, ladies and gentlemen, sub-divisions do not pay for themselves. And what do I mean by that? Yes, we may have saved \$2 million on a settlement according to the Administration. I don't know whether we would have lost the case or not. But it comes down to that the revenues that are going to be generated out of that sub-division will not be enough to cover the cost of street maintenance and all the other services that those folks will expect up there. That's the way it is. Sure, Providence or the Snavely will put in the roads for us. But all of us are responsible for the maintenance of those roads then and all the other infrastructure up there. That's going to take revenue. I have people calling me every day talking about how their streets haven't been paved. So from an economic standpoint, housing up there does not work. And I firmly believe that today.

The Law Director and I, we talked about alternative development options for the area. What the real tragedy, I feel, from this whole process was is that I can remember sitting down with Paul Taylor and Sheldon Berns in the Mayor's office. We talked about we will work with you. That was not done. They turned around and sued the City. I felt that was a missed opportunity of creating real healing in the community. And I still propose that we could have sat down and come to a reasonable agreement that addressed the real economic needs of the City and the rights of the property owner, Providence Baptist Church. I don't think we did that. I think, again as we have seen, the process was flawed.

So just to wrap up the way it's proposed now, ladies and gentlemen, I think that this is going to be another development project that joins the pantheon of mistakes that this City has made over the many decades that I've lived here and many decades that you all have lived here. Just look at the lakefront, all the high rises. We were promised great things from that type of development. It did not happen. Only now are we correcting those mistakes that were made in the early and mid 1960s. You look at the southeast quadrant of Euclid Avenue and 260<sup>th</sup>. We were promised great development when they ripped out that hill in that area. And what do we get? Fast food and muffler shop row. That is was not what was promised. So I am very skeptical that the development will ultimately

benefit the taxpayers of this City. That is the only thing that we, as public officials, can make our decision on. Not whether Providence Baptist Church is nice or not nice or what color. That is leadership. Not letting it out there that, well, the opposition could be racists, etc. That's where we dropped the ball and I'm afraid that this project will not be all that it's promised.

President Sustarsic – Thank you, Mr. Langman.

Councilwoman Mancuso – First, I'd just like to make a comment. I'm sorry if the young lady that came to the microphone was confused. I'm, obviously, not asking for healthcare every 3-6 months to change. It was a process and I apologize if I was not clear about what we needed to do. But we do need to change and if at some point, it pleases the Administration and we do get some type of healthcare committee where we can look at this in real time, I would ask that this citizen be part of it because she obviously has some knowledge.

I, also, am quite willing to tell people where I stood on the vote at the beginning. My vote has not changed now and it is very much an economic issue as it was when we first discussed it. I'm not going to go into the same eloquence as my colleague because I think he's pretty much said it all. I would have as a Council person really appreciated the respect of having the two factions come together even after the vote and we discuss that. And it did not occur and to me that's a great disappointment. Because I do believe both sides could have come together and spoken to each other and come up with something much better than what we have right now, today, with all the dissention going on. And with that I'll close.

Councilman Sustarsic – I'm excited to have the residency thing and we're actually going to be getting this thing going. It's going to be in committee, I mean, we're going to hear this side. Are you going to open the meeting to the public, Mr. President? I'd like to, that's the way we can get the City employees, there's an incentive to go out to them, just to let them know to air their concerns. Because I think it's important for Council to hear from the City employees their feelings on it. I look forward to that. And with that, good night.

President Sustarsic – First off, let's say on the docket Monday the 13<sup>th</sup> at 7:00 p.m. there'll be an Executive Committee meeting dealing with the residency ordinance that was brought forth this evening. And immediately after that, I'm scheduling a Finance Committee meeting because it's been 6 weeks since we have had the 3 budget meetings. There has been no communication that I'm aware of and I was interested in seeing my colleagues' interpretation as to what other cuts or whatever enhancements might be made to help the City and government in particular to move economically forward and be as efficient as we can.

We do have a lot of issues here as far as pending layoffs and everything else like that. What I would appreciate, again, is any answers, any possible solutions that might be offered if we could discuss them then, again, in the Finance Committee meeting immediately after Executive Committee meeting.

That's about it. The next meeting will be on the 20<sup>th</sup> then. The next regularly scheduled Council meeting and that's all I have to say.

Councilman Daly – I'd like to begin by thanking Mayor Cervenik and Law Director Christ Frey to have the courage to settle the lawsuit with Providence Baptist Church. Their leadership has saved this City from a major financial disaster. And I want to say publicly I fully support their decision to do so.

People did have a right to vote. People did vote. And I said when it was announced that the referendum process was going to start that voting on the issue was not going to change the legal dynamic. And we could vote 99% to 1 and the Court would not take that into consideration. It's going to be the constitutional rights of the owners of that property.

So, the one thing I can't understand is the disconnect between decisions that are made and the ramifications. I mean, here we're at a point of laying off people in our safety forces. First, it's people that work in the Jail and those cuts are real. And there's nowhere else to offset. And I've felt that the cost to litigate this matter along with the chance of, the very big chance that we would lose would devastate our safety forces. And that's the one thing, you know, I will try to prevent, you know, with every ounce that I have. So, I know that people disagree with the decisions I make. They weren't popular and, you know, if George Matic leaves, he unfortunately would not be the first. But George is a good guy and George cares about the City. He's been here. He takes care of his property. He's got a beautiful new SSR Chevy, which I'd love to own myself; but, you know, he has to express how he feels. But I'm going to do up here what I think is best for this community and that's what I felt I was voted in to do. And with that, good night.

Councilman Delaney – These are remarkable moments, difficult moments. It's hard to say. I can only appreciate the time people take to choose to come here. Many people stood through the entire meeting on the wall, didn't have a seat. Out in the lobby. There's an opportunity to do anything else and a lot of these people came. Whether they were opposed to or supported all of their opinions are important. They all do count. They all should resonant on all of us sitting here.

I believe that this issue did deserve it's day in court. It was a very important issue and maybe in scope a national one. I would've liked to have seen a judge's decision. I would've like to seen it, it given us more direction to go forward. None of us have crystal balls. None of us can say it would've been good or ill. Could we afford to do it? Could we afford not to do it? But as, as I sit here and now that I can see everybody for the entire course of the meeting I'm always very much appreciative of the people who take their time and come here. It's not easy to express your opinions. It's very impassioned. It's not a rant or a rave but I think we all truly do believe we want the City to go forward and we all need to try and give, do these battles. Sort this out through debate and bring it to a good conclusion. A good consensus that we can all feel better the next day. The sun will come up tomorrow and we will move on and our residents will have their chance and their vote will count. Thank you.

Councilman Gruber – A couple of items this evening. First of all, each month we're issued a report from the Fire Department and this month the report states there was no dollar fire allowance for the month of October 2004. And I'd like to congratulate the Fire Department and the citizens of Euclid for having a safe month. I think that's the first time that I've seen that on a report. So that's good news.

And also there has been a school crossing guard has been assigned to Indian Hills School for the safety of the children. So that's good news. I'd like to thank the Administration and the School Board, who worked together on that.

I have a couple of things. Let me present several topics that have been discussed in Council Chambers over the last 12 months. We've had the \$11 million temporary appropriations. We've had Hillandale. We've had Briardale. We've had Shore. We've had the debate about the Sgt.-of-Arms. Sick time reduction for City employees. Council giving up their healthcare insurance. Two million dollar operating borrowing. Revenue enhancements. And I ask my colleagues and our citizens, what these diverse topics have in common? From content or an issue standpoint nothing. The subject array of these topics is quite diverse. The common thread is that everyone of them has been opposed by the same group of people while every one of them has been supported by the Administration. If we are to bring the citizens of Euclid back together to make Euclid a destination for new residents and new companies, we must move towards a more reasonable level of political harmony.

The election was over last year and we must forget who did or did not win. In the best interests of the citizens, we must move on and diligently discuss and evaluate each topic on its own merits and not because of who did or did not support the topic. When this occurs, we'll all be proud of the citizens and the community which has a significant capacity to move forward in these trying times.

The question was asked earlier if we supported the Mayor's decision. As the Ward 4 Councilman directly related to this project, it's in my ward. The people that I represent elected me. It is important to note that the people that live closest to the project were in favor of the project and it passed in the three precincts closest to Hillandale. The homes passed in Ward 4. The church almost passed in Ward 4. The Mayor did what he thought was right. That was his decision. It was not our decision. The people in Ward 4 in that neighborhood told me that they support that decision. So in closing I would like to say I do support the Administration stance on this as the Councilman of the ward and the people that I represent. And it's also interesting to note that in the last week I got more phone calls about leaves than I did in 6 months about Hillandale. So I can see where the citizens priorities are and they are out there picking them up right now. So thank you and have a good evening.

Councilwoman Holzheimer Gail – Quick notice if you're looking for things to do over the next couple of weeks, please remember the Hunger Center. You can join volunteers of the Euclid Hunger Center for No Scrooge in Euclid night this coming Saturday between 6 and 7. There will be light refreshments and a chance to meet some of Euclid's finest volunteers. They would appreciate a canned food item or a monetary donation. And for those who don't know, the Hunger Center is located in Room 45 in the basement of Shore. You can do that prior to seeing A Christmas Carol put on by Silhouette Productions also at Shore Friday and Saturday at 7 and I thought it was a Sunday matinee. I think you said Saturday earlier.

I also want to thank the Mayor and Frank Pietravoia and the Economic Development Department and the Kurt Steigerwald. There was a wonderful event this past week, which was a continuation of the Vision 2020 process. There was an economic development focus group held and conducted by a consultant that was hired through the support of County Treasurer Rokakis. It was actually very encouraging. There were a number of our largest business owners and main representatives there to

talk about the future economic growth of Euclid. There were breakout groups that were held and met and talked about action steps and things that we can be doing to help further our economic development here in Euclid. It was really very good to see the turn out on a Thursday from 8:30 to noon. They came; they participated very fully and I look forward to great things to come from that group. So I want to thank you for your support of the Vision 2020 group. They're coming together a little slower than we had hoped, but again, that group was a group of residents who formed to look and help plan for the future growth of the City.

In terms of Hillandale my initial vote for Hillandale, as you all know, was against it. And I said at that point why. It was mainly, there was a lot of information that was not received. There was a lot of information that was, I felt needed, and there was not proper discussion. I think the settlement question was getting in the right direction. Did I support it or not support it? I think a settlement was probably the best thing to do. I think it answered a lot of the questions that were originally raised. We asked for upscale, we asked for better quality housing. They've committed to a 190,000 starting point. Those are the clusters and the attached. Most of the housing is going to be over \$200,000, up to 260. That's base prices. With Snavelly, there was a question of the quality of the developer. Snavelly is a quality developer. That's in the contract. There was concern over the amount of church property. There was originally 23 acres of church property. That was brought down to 9 acres. The City, there was people who asked for green space. I think we got green space. We definitely got green space, 5 acres of green space.

There was concern over the building of the church. People were concerned and I was concerned. We don't want a metal corrugated building. We don't want a building that's not going to be open. We have committed in the Court documents it's going to be a stone façade, stone faced church. There's lots of windows. There's, it's a nice looking building. Is that what I would want there if I had my way? No, it's not. But they own it, they own the property. I think it answered many of the questions that were raised in the initial discussion. My request after the vote was that we sit down immediately with representatives of the Euclid Awareness Committee with the City with the owner of the property, the church, and we work together and come up with a settlement. That isn't what happened. I wish that was what happened. But in the long run, and I think most of the average residents who I've talked to that have watched the tapes on the TV set, you know, the choice was pretty clear. So I guess, the settlement didn't answer every question that I had, I would have liked to see a firm commitment to 2,000 sq. ft. homes. You always want better, but I have to say I agree with the settlement over fighting a court battle. And our attorneys, not only our staff attorney, but the consultants who we hired who are experts in the field made the recommendation that we would not win. When faced with that decision, I think a settlement was the right thing. I don't think the way that we went about it was the right way. I would have much rather sat down in the room, from the very beginning, with the developer with the builder with people who are concerned. So with that, that decision is behind us.

The decision in front of us is how will we move forward. How will we make the City grow? I'm committed to helping do that. I will continue to work hard and it was asked if I would help form a group. I would be happy to help form a group to do anything that will help lead this City to work together and move forward.

Mayor Cervenik – If I may? I'm not going to talk a whole lot about the settlement other than to suffice, it was a difficult decision as a politician because, obviously, I knew people would not say that's a very popular decision. But it was a very easy decision to make as Mayor and so we made it. We made it based upon sound advice of outside, inside and volunteered legal counsel. We need to move forward. We've talked about that. I have pretty much opened up my schedule from the week of December 13<sup>th</sup> through December 19<sup>th</sup>. I would like people who spoke here this evening against the settlement, for the settlement or any other item to give my office a call at 289-2751 and talk to my secretary, Colleen, and set up an appointment for any day between the 13<sup>th</sup> and the 17<sup>th</sup>, the 17<sup>th</sup> can only be in the morning, of December. We can sit down and talk about your concerns. We can sit down and talk and go over the settlement. More importantly, I want to sit down with you about ways we can work together. And maybe some people won't want to work with me and that's okay. I can understand it, but then you need to tell me. But I'm telling you here right now, I'm willing to work with you. And that's what I need to do. Please give me a call. Call my office. Like I said, except for an hour here or there, these days are wide open. I welcome you. I can make some of my directors be available to you as well and it's time for us to sit down and talk and move forward. I hope, I hope many of you here and many of you that weren't here this evening that have watched this on television take me up on that offer. And if I need a week, another week, I'll clear out another week until we get this done. Thank you.

**ADJOURNMENT**

Councilman Gruber moved for adjournment; seconded by Councilman Tony Sustarsic. Yeas:  
Unanimous.

Attest:

---

Clerk of Council

---

President of Council