

**COUNCIL MINUTES
DECEMBER 20, 2004**

The regular City Council meeting was held on Monday, December 20, 2004 at 7 PM in the Euclid City Hall Council Chamber. President Sustarsic presided.

Members Present: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso
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,
Deputy Director Gliha, Mr. DeWine, Mr. Carlo, Clerk of Council Cahill,
Sgt.-at-arms Nagy.

Invocation was given by Rev. Gary Henderson of East Shore United Methodist Church.

COMMUNICATIONS

Councilman Gruber moved to receive and approve without objection a request for a new C1 liquor permit to China Sea Fast Food Restaurant at 417 E. 200th Street. Councilwoman Holzheimer Gail seconded.

Councilwoman Holzheimer Gail – Perhaps we could ask Mr. DeWine since he’s here to update us on the Chinese Restaurant on 200th Street.

Mr. DeWine – Several weeks ago, about two months ago, we met with the new owners of the building that is directly north of the Dairy Queen on E. 200th Street. A Chinese family had bought the property. They are in the process of renovating it. Inside of the storefront, I think it used to be a bakery and sold bake goods out of it, it is now a restaurant. My estimate is that they’ve probably spent in excess of \$300,000 on renovating the interior of the building.

Several weeks ago the City’s Board of Control entered into a Storefront Renovation Agreement with the owners. They are very tenacious in getting their project done. If you drive by the building, renovation is probably about a good 75% complete. If we get some warm weather, I think it would probably be completed some time after the first of the year.

Councilwoman Holzheimer Gail – They’ve been doing quite a bit of work.

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

Councilwoman Hufnagle moved to receive and approve a request for a transfer of a C1, C2 liquor permit to Sunoco at 20710 Lakeland Blvd. Councilman Delaney seconded.

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

Council has received the following communications:

Council has received a petition from residents opposed to vacation of Miller Ave.

Council has received a letter from Douglas Price regarding ownership of property that abuts the portion of Knuth Ave. that has been proposed to be vacated.

COUNCIL MINUTES

Councilman Gruber moved to approve the Council Minutes of 12/06/04. Councilman Sustarsic seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented Father Patrick Henry with Resolution 217-2004 congratulating him on the occasion of being named Pastor of Saint Christine’s Catholic Church in Euclid.

Director Gulich – Christmas is fast coming upon us. Christmas and New Year's are both on Saturday this year. I do want to note that our garbage pick up will be on its regular schedule. There will be no changes in our garbage schedule for Christmas & New Year's being on a Saturday.

Other notes regarding our garbage collection. Last two weeks of the year Waste Management will be collecting the bright red colored bins. We will start after January 1st to drop off base recycling. We plan in the next few days to have a city-wide mailing, giving all the details on the locations, how we will be doing recycling with the drop off method. Please be patient, you will get all those details via the mail from City Hall.

Tomorrow is the first day of winter. I know it feels like it has been here awhile already. Just want to review our snow emergency priority. First priority is our hills in the City. That is the first place of priority. Next will be all of our mains Lake Shore & Euclid Ave., north and south streets that collect traffic between them. After that our next priority is the secondary street such as Shore Center Dr. and streets of that nature. After we have all those streets cleaned up, then we move to the side streets. I just want to reiterate that as in the past, we do not automatically salt the side streets. This is the same priority list that has been ongoing in the City for many decades. I hope that we don't have to spend too much time cleaning snow off the streets this winter. Thank you Mayor.

Director Pietravoia – I wanted to take just a minute to briefly update council and the members of the general public on the progress that we've made on the exciting Harbour Town Lakefront Project. For those of you who didn't see last week's paper, the K&D is proceeding with the plans for their exciting new lakefront housing project which will also include a proposed marina, break wall, lakefront restaurant and a public boardwalk. Several major tasks have been completed over the last few months since I've last reported to Council on this project to bring the project closer to construction.

The developer has spent several months and Doug Price from K&D is with us here this evening. I'm glad to have him here as I'm reporting on the progress of this project. They've spent several months working with their architectural team to actually refine the layout and the design of the project itself. As a result and in a very exciting way the project has grown now to include 131 condominium units and an improved overall design. The total investment upon completion, including the work that has already been done in the apartments is estimated to be over \$80 million once everything is built at this location.

The new layout takes full advantage of the lakefront by proposing more housing units that are built right on the waterfront, right on the bluff in fact in some cases and behind the Water's Edge apartment building.

In addition the developer and his design team at the urging of the city as well has been careful to maintain public access to the lakefront with the proposed boardwalk, the proposed restaurant and a public parking area that will all be accessible to the general public.

The new condos will range from about 1,500-2,000 sq. ft. With also the potential for combining units for those buyers that might be interested in a larger unit. The prices will range from about \$180,000 to over \$300,000 depending of the size and location of the unit.

Upon completion by the architectural team the developer expects to unveil the new design sometime in early 2005 and we're excitedly waiting to see those new designs. While K&D and the designers were working on the lay out, the City has spent substantial amount of time both with our own staff and our financial and legal consultants to study various financing options for the project. Primarily using what is known as the TIF or Tax Increment Financing.

We've also applied in the past few months to the State for funding through the capital budget process and for a special grant through the Ohio Department of Natural Resources. On the federal end, we're seeking funds either through a direct grant or possibly through the Army Corps of Engineers as well. We briefed our local Congressional representatives on the past couple of months on the project. We've kept them informed and we'll be seeking funding for fiscal year 2006 which actually begins in October 2005, this coming year.

Based on the outcome of the State and Federal funding requests and our TIF analysis, we intend to bring forward to City Council in the first quarter of 2005 a proposed financial package for the project. Particularly for the public improvements that are related to the project such as the break wall and the boardwalk.

In the interim, I'm pleased to announce tonight that we will be entering into what is known as a Memorandum of Understanding with the K&D Group. This will formalize our working relationship related to the project. The Memorandum in brief will outline the various steps that both the City and the developer will continue to undertake from this point forward both

prior to actual development and during the development phase itself. It also sets out a time frame for the various steps that both the City and the Developer have agreed to work towards.

The Memorandum is an interim step that will lead to an actual development agreement. We hope to bring that development agreement forward and to actually see construction start in either late spring 2005 or early summer. I just want to say that I really appreciate all the efforts of the developer. This memorandum that I've mentioned, we've worked for well over a year and a half now without such an agreement and this will just formalize our working relationship until we have an actual development contract in place. I look forward in working with the Mayor, City Council and K&D to actually see construction start in 2005 on this exciting project. Thank you for your attention.

Director Frey – It is my obligation to report to you this evening that last Friday we received notice from the Hillandale Committee Limited, that they have taken action in the Federal District Court moving to vacate the Consent Judgment Entry and the Entry of the Court denying their request to intervene in the Providence Baptist Church law suit. In addition to that, they have filed Notice of Appeal seeking review of the decision both the Consent Entry and the Denial of the Intervention request in this U.S. Sixth Circuit Court of Appeals based in Cincinnati.

The City continues to represent the position taken with the Consent Entry. In this case there will be additional pleadings required to be filed both in the District Court and the Circuit Court of Appeals. I'm informing you that we will continue to use counsel in this matter. To date we have expended a little over \$100,000 in outside counsel fees. That figure will grow obviously with the continued representation and litigation in this matter. That is a report from the Law Dept. thank you.

Mayor Cervenik – There will be a donation box in the lobby at City Hall through the first of the year for the Euclid Hunger Center. Please feel free and obligated if you must to drop items off here. They're doing a good job keeping people fed during the holiday season and this tough winter season. Speaking of rough winter season, it is something I think being all my years up here on Council I've asked that during this cold weather, check on your elderly neighbors, check on your neighbors that live by themselves. Help them with their driveways, clearing off their steps, bringing in their garbage cans, taking out their garbage and bringing in their newspapers for them. It is a very difficult, difficult time this time of year for all of us let alone the elderly. So I strongly encourage people to, let's go out of our way a little bit and help people out. That's what makes Euclid great, our neighbors, our neighborhoods and how we all help each other. Other than that, I may have a chance later in the meeting, but if I don't, I wish everyone a very happy holiday season and a very healthy and prosperous New Year.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Finance Committee Minutes of November 29, 2004 and Board of Control Minutes of 11-29-04 & 12-6-04. 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 – Item #2 and #3 will be Public Hearings tonight. If you could withhold your comments and then we'll give you time during the presentation of those two pieces of legislation to come up and speak your opinion or ask whatever questions might need be.

Mr. William Hilf – 891 E. 237 St. I'm here to speak about #10, #11, #12, which all regard Shore Cultural Centre. First I'd like to speak out in favor of these, as of right now. As many know, originally it was proposed that we were going to be facing as tenants up to a 50% rental increase. Through the hard work of Parks & Rec Director Kathy Will, and also the Shore Board of Trustees, Sheila Gibbons, I would like to give a lot of credit to both of them for meeting and discussing and coming up with a much more reasonable rental increase. I would like to thank them for the meetings and the work that went into that and for Director Will for meeting with the Shore Tenants Association twice.

While 15% is still going to hurt the budgets of some of the groups, probably most of the groups at Shore, considering what we are facing originally this was a good start. Obviously we're still going to have to work on promoting the building and increasing the amount of tenants that we have in there so that they are more tenants shouldering the cost of the building.

I also think it is a good start that a portion of the Director's salary and benefits are no longer being charged to the building since those are a fixed cost and wouldn't have changed no matter what happened with the building. I think this is a good start and helps give more of a fair value for what the building is truly costing the city and that this is a community center. Euclid doesn't have one and not everything that the city does should run a profit. I believe that Shore should be one of those, it just needs to be run at a fair amount.

I also would have to agree with giving the Euclid Hunger Task Force the free rent again for this year for the service they provide to the community that are very deserving of this. Finally, off of the Shore thing, my only question is about #8. I see that it has reduced the amount that is paid per meeting to the Recreation Commission and I obviously realize part of this is because of the budget problems the city is facing and I was just wondering if this had been considered for any of the other commissions and committees that are citizen based and that receive money from the City of Euclid. Thank you.

Mr. Mark Coplan – 23219 Bennington Hamlet Cir. I'm here this evening to discuss items #2, #3 and #6. My first question as it relates to #2 & #3 for the benefactors of those two legislation issues on the agenda this evening. As far as #6, what type of enforcement in terms of this new amendment that says relates to the Housing Code in regards to, it looks like there's some type of an issue of revising that. I'd be interested in understanding who's going to enforce that.

President Sustarsic – We'll address that when that issue comes up.

Mrs. Del Tekieli – Director of Community Programs for Euclid City Schools and I'm the Administrator for two programs that housed at the Shore Cultural Centre. We rent 8 rooms at approximately \$45,000 a year and this 15% increase will bring it up close to, actually with our air conditioning for summer, it will bring us over \$52,000 a year. So, I guess I am the anchor tenant.

The average increase for most businesses in property rental is 4-5%. Over the years I've asked that we explore some other options. For example, two years in a row I've asked that we look into putting cell towers on top of Shore. The reception for cell phones along Lake Shore Blvd. and north of the Boulevard is extremely poor. That is one option that could bring in additional funds to help support that building.

My other concern is with the 15% increase, what kind of services will we get for that? Will the two custodians of the three custodians that do not do their jobs, will they now start cleaning better? Will the restrooms be cleaned? Will we have paper towels in the restrooms and toilet paper? Will the building also have the holes in the walls by our doorway patched so that people are walking into a building that looks like a nice office building. Those are some of the concerns that we have. There are two homeless men that are usually drunk walking around the buildings. Will we have security about that? So if we're getting the 15% increase and I commend Kathy for working with us on this. I would expect that we have a little better services too. I do have to say that with the Recreation Director that we have, Kathy and her staff, they are really understaffed and they are doing a yeomen's job but I really think we need a building manager who is going to look at that building and treat it as a business, market it, put a business plan together and make this building successful. We have not had that. Thank you.

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

LEGISLATION

Res. (244-04) UDE E. 193 St.

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 193rd Street, Permanent Parcel No. 646-23-080. (Sponsored by Planning & Zoning Commission)

Second Reading. Third Reading January 3, 2004.

Ord.(178-04) Vacate Miller Ave.

An ordinance to vacate Miller Avenue in its entirety from the western end of E. 223rd Street to the eastern end of East 222nd Street. (Sponsored by Councilwoman Hufnagle and Councilman Delaney) (From Planning & Zoning Commission with a recommendation for passage)

Councilman Delaney moved for passage, Councilwoman Hufnagle seconded.

Council Minutes

December 20, 2004

Page 5

Commissioner Torowski – Miller Ave. vacate legislation was sent to Planning & Zoning Commission on October 19th agenda and it was recommended for passage by Council. The vacation of the section of Miller Ave. revert back to private property. Miller Ave. currently has a 50 ft. right-of-way. Twenty-five foot of a vacated street would now belong to the northern property owner and the other 25 ft. would then belong to the southern property owner. At this time Mr. Gulich can go into more detail. Thank you.

Director Gulich – Just so everyone is familiar with the section that we are referring to, this is what we historically call Short Miller and it is only a section of Short Miller we're discussing this evening as Mr. Torowski said from E. 222 street to E. 223rd. We explored a number of different options. It is an opportunity for the City to think outside the box, to actually make less work out to be more.

We considered all different alternatives making 223rd a dead-end street. To completely close it off from traffic. We considered vacating Miller all the way to Lakeland Blvd. and closing it at Lakeland Blvd. Instead there are a number of different options way to go about doing this. We arrived at the smallest section possible to vacate. This way we can still keep access, it keeps the Chief's happy. Mr. Carlo our Traffic Supt., our consultants with CT, and we have consulted all along with Land Design who has been working on this and they've been very open to some innovative ideas.

Since we had the Planning & Zoning meeting, we thought it best, one thing that came up at the meeting was traffic exiting from Panini's onto 223rd, would they have the ability to go north? With the original plan, that was the case. We have talked with Land Design, they have changed their plans and it would call for the section of 223rd south of Miller to only be one-way. So traffic exiting from Panini's could only come out onto Lakeland Blvd. Having said that, I will now ask Mr. Pietravoia to make his comments.

Director Pietravoia – I just wanted to comment briefly on the economic development impact of the proposed vacation of the street. Primarily what we have here is a situation where a business has come into our community, has invested significantly not only in acquiring the property, but in totally rehabilitating the property and is attempting to provide more off street parking so that the patrons that go to Panini's can in fact park in an off street parking lot.

Part of the problems that have been experienced in the neighborhood now is that some of the patrons and employees are parking on E. 223rd Street. This proposed vacation combined with the purchase of a property that's already taken place on the north side of Miller and the intersection of E. 223rd, would allow Panini's to take their existing parking lot, which has approximately 42 spaces, redesign it and improve the lay out so that it can accommodate a total of 71 off street parking spaces that includes two handicap spaces.

From our perspective, this will benefit the entire immediate neighborhood by removing cars that are parked on the street. It will improve the business district and it will recognize that this is a significant commercial corridor near the highway with good access and we should be doing whatever we can as a city to try to promote business development in this corridor as long as its done in away that it protects the surrounding residential neighborhood as well.

Director Gulich mentioned that there were a couple of studies done here. There was a study done internally and Monte Carlo is here tonight and can comment on that. Looking at the traffic patterns and how they would change with the street vacation. There were also a couple of studies done privately by Panini's in looking at not only the layout of the new parking lot, but the impacts of the new traffic pattern in the area.

I know that there has been concern. We've been hearing comments coming back, particularly in the past week regarding the change in the traffic pattern and how it might impact E. 223rd Street in particular. I'm going to let Monte Carlo and Director Gulich comment on that aspect. But as I understand it, the studies that were done indicated that during the busiest 8 hour period of the day, there are about 400 plus cars that now travel Miller heading west and turning right, northbound on E. 222 St. There's been some misunderstanding or concern that all of those cars once that portion of Miller is vacated would now use E. 223rd Street and then Beckford to get over to 222 and go north. The studies that have been done indicate that after the new pattern is understood and people get used to it, they will travel directly westbound on North Marginal to 222 and make the turn there. Rather than making a series of turns through the neighborhood.

I do recognize that there is concern about that and it has been expressed to us and we're interested in hearing the neighbors' comments about that as well. That's the end of my report on this item. As I said Monte Carlo is here and Director Gulich and Police Chief and others that can help respond from their experience on how the traffic pattern change might impact the neighborhood

President Sustarsic – What we'll doing being this is a public hearing, we will go into the audience and all those individuals that are interested, be it a resident or business owner, if you want to come up and address the Council or ask questions of the Administration, or the Mayor, feel free at this point in time to do so.

Mr. Michael Akos – 307 E. 271 St. Director Gulich, just had a question for you on the shorter, shorter part of that piece of Miller there. Anybody who has sat there and watched traffic or even some of us who have driven it know that's a nice swing and run over to 222 without to much lowering of your speed limit.

There's going to be a lot of people that aren't going to realize that it's been closed off and you're going to have a lot of people breaking down pretty hard on that. Why wouldn't you just close off that entire other section and that would facilitate the traffic not going into neighborhood around 223rd, but forcing it to go all the way done to E. 222 Street which is the proper way to go.

That would be my only point because that little short piece of road there becomes basically useless if you just leave it there. You could do a pocket park or even extend some properties out there for another piece of housing. But it would seem to me that the City of Euclid would be better served from a traffic standpoint and a safety standpoint for the parking lot, Panini's and for the neighborhood in 223rd by closing off that last little section of Miller because it just becomes a useless piece of road at this point in time.

Director Gulich – Mr. Akos, that indeed was one of our first considerations was closing that section. We won't call it worthless but obviously it is very worthwhile to the person who has a driveway on it. There is the one garage that does have a drive that faces that short section. That is his ingress and egress to a public right-of-way. We really can't close him off completely. We considered a couple of different alternatives. If we would have vacated that portion, obviously he would have gained another 25 ft. of property over there. He would have gotten that portion of the right-of-way. We probably could have put his drive all the way to Lakeland Blvd. Discuss that with Mr. Carlo, we didn't want a situation where we'd have cars backing into Lakeland if you follow what I'm saying.

We did consider closing that off, we wanted to think outside the box. That was our main consideration for doing that. We did not want to encourage cars to make the turn onto to 223rd directly from Lakeland. Although you can do that, it is quite possible. I've done it myself, probably a number of people in this room have done it. It is not a situation we want to encourage, but if you look back driving all the way from Babbitt Rd. on Lakeland, we have a number of turns that are greater than 90 degrees. It is far from the only one. It has been there since the freeway was built.

Mr. Akos – I understand what you are saying, Director, and I appreciate that. The concern I would have had, and I'm sure you're concerned about giving somebody an extra 25 ft. and then having them extend their driveway all the way down to Lakeland. You are certainly trying to avoid that as much as possible. If you're going to give somebody an extra 25 ft. worth of property, that driveway certainly could have made a curve and gone out on 223rd without to much issue either. I'm just concerned that you will see a lot of traffic problems with people breaking down into there and you'll have people end up either making a left turn or a right turn there and getting frustrated with that little block of roadway. I don't mean to presume worthless and much as useless as a piece of road for that neighborhood.

The Euclid community and the neighborhood in particular probably much better served if that little piece of road just disappeared altogether. Thank you.

Director Gulich – Another alternative is obviously to close Miller at Lakeland and still allow that section of pavement to remain so that person would have that short stretch, about 120 ft. would remain, primarily for that person to have ingress and egress. Just so that everyone is clear on it, that island there that has been there forever, that is ODOT property. They do have a vault there with infrastructure underground. It helps them operate the lighting system of the freeway throughout Euclid over there. We even looked at the possibility of building that into a nice little area over there. The fact of the matter is it has to maintain and stay in ODOT's hands. We really couldn't affect that island to much. I hope that answers your question.

Mr. Erik Anderson – 937 E. 222 St. Owner of Euclid Panini's. I want to start this evening on behalf of myself and my partners, just thanking the Council, Administration and all the residents of Euclid for all their support and generosity that they have shown us the past three years.

During our selection process about three years ago, we looked at different sites in Mentor, Concord, Chardon, Mayfield and Euclid. To us this was a big decision in that we were looking to invest over \$800,000 in one of our restaurants. Ultimately we chose to invest this money with the City of Euclid and two years later, we couldn't be more pleased with our decision. The response from the City and its residents has been tremendous and we're very appreciative of the support that we've been shown.

Going into the project we knew that the parking could be a little bit of a problem. This was compounded slightly when the sale of a public parking lot on 222 was sold to an adjacent property owner. Although that probably worked out good for the city and the property owner, it kind of made our problem a little bit more. We responded by purchasing some property across the street on the corner of 223rd and Miller. Again the Council was very supportive again by rezoning that for us to use as a parking lot.

It was during these talks that the idea of vacating Miller were first discussed. We explored the idea with the various City departments and based on their input I hired an engineering firm to do this project for us. I think this project makes sense to both us the City and the residents and I have Jim Pegoraro here with me, who engineered this project for me. And we would like to, you know, present this to you tonight.

I would also like to add that this project is absolutely critical for us to reach our potential here as a business. We want to be a good business and a strong business for many years in the City of Euclid. In this regard I want to thank you for your past support and your consideration this evening and this is Jim Pegoraro the owner of Land Design.

Mr. Jim Pegoraro – 8585 East Avenue in Mentor. Going along with Erik's view and Director Gulich's, we did explore a lot of different ideas to make this work.

The parking lot, and I'm sure most of you have already seen it when it's busy, needs attention. It is difficult to get in and out of when it is full and the additional parking that they have or land that they have purchased for that probably would only yield maybe 12 more spots over there and it doesn't take care of the parking on 223rd Street either.

The vacation of it would definitely enhance that area greatly and as far as the neighbors on 223rd is maybe a little bit of concern with them with the additional cars and that, but I still think it's better to have them off the road than on the road.

I also have brought along larger, larger versions of the small scale that you have. If you would like to see them, it clears up a little bit. If there's any questions you have concerning the drawing, the first sheet that you have is just basically what it looks like now. The second sheet is what we're trying to show what we were vacating. And the next two sheets were, are different areas of the parking. And the last one, Alternate B, was to keep the outgoing people coming out of Panini's off of 223rd and directing them right on to the Marginal and making that a right turn only on the out. And then the coming in on east Miller from the Marginal would be either way, obviously, people wanting to go to 223rd as they do now and all the traffic that would be going to Panini's would be going left to get in. Thank you.

Mr. Harry Luikart and I have a business at 888 East 222nd St. And if you close Miller, there's approximately 80 cars an hour. That's 1-1/4 cars a minute come down that street. They're going to have to go somewhere. If they continue on to the Marginal to 222nd and make a right turn, they're going to make a left turn down Miller. I see a lot of traffic congestion. There's a, many, many people who go down there in the mornings and if there's a problem on the freeway an accident or something, many people go down that street, go across Miller over to 200 on over to the Boulevard and around and get back on the freeway farther on down.

If the City's concerned with parking, they own the parking lot not, just diagonally across from the Panini's. They should have kept it if it was so critical to have this extra parking. Also, there are other parking problems with Jay Dee Drycleaner. When they have a lot of employees there, they're short of parking. Are we going to close St. Christine's there, that little bit of street there and make it a parking lot? And the man who bought a new, the big house across the street from the church as a business, he has no parking. Are we going to close Beckford and make that a parking lot? All those people that are on that Marginal that want to go north on the Boulevard, on to 222nd Street will be cutting down whatever side streets are available. They'll be coming up and down there any which way they can go.

Panini's, if they really want to expand their parking lot, the beverage store is for sale. Why don't they just buy that, tear it down and make that whole piece a parking lot? All they have to do is walk across the street and it doesn't disrupt anybody's traffic pattern. Thank you.

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Mr. Elmer Perme – 925 E. 223rd. Been a resident of, on 223 since 1962. Now the, if they vacate Miller Avenue as proposed, it's going to impact 34 homes on 223 and Beckford, total. The increased traffic flow is going to hit, have it difficult for the vehicles or the residents of these 34 homes to back out of their driveway as the traffic comes because it's an average of 40 almost 50 cars per hour. And of course, peak times it would be even more.

And then, one concern that I have is what about emergency vehicles? Talking about police, paramedics, Fire Department, say if somebody calls, there's a house on fire. Is there going to be more damage or somebody's going to be more physically injured because of the delay in getting the vehicle to that resident's home? I'm really concerned about this.

And as far as parking, I know they park on 223 now, mostly are the employees of Panini's. And from what I've gathered, they have, not have orders to do this but they're to park on 223 so that the customers can use their parking facilities. And I don't think vacating Miller Avenue is going to alleviate this problem. It's still going to be there. Thank you.

Ms. Victoria Ratliff – 950 E. 223rd St. I've been at this address for approximately 18 years. Traffic does backup at the light at the North Marginal westbound at 222nd Street. It won't be very convenient for the cars that are caught at that light to turn down the section of Miller Avenue that's going to remain open and go north on 223rd. As a driver, I would certainly take advantage of that shortcut rather than wait at a light. If any part of that, of Miller has be closed, I would recommend closing it at the Marginal to alleviate that problem.

Director Gulich – Just a quick note on that, to eliminate the people when traffic is on Lakeland Boulevard waiting for the light at 222, they would not be able to go northbound that would be southbound only from that section there to keep Panini's traffic going out toward Lakeland and that would not enable anyone to make that right hand turn.

President Sustarsic – Going in, going north on 223rd?

Director Gulich – Yeah, I just wanted to make clear on that.

Ms. Ratliff – I don't understand that.

Director Gulich – Okay, the short section of 223rd between Miller and Lakeland would become southbound only.

Ms. Ratliff - Right, but the section of Miller that, the section of Miller that the one driveway is on between Lakeland Boulevard and East 223rd would remain open so cars on Lakeland would come onto Miller and then go northbound in front of my house where traffic would remain two ways.

Director Gulich – As they can and do now.

Ms. Ratliff – Yes, well, they will do it more.

Mr. William E. Bencina – 954 E. 223rd St. A while back I believe Panini's bought the lot on the corner there and now they want the whole street. They park on our street, all their employees. They don't park in their lot at all. My neighbor on the corner that owns the house before they bought the lot, they tore all the bushes out before they decided what they're going to do. He had privacy. He has no privacy any more. He's a senior citizen; he's sick or otherwise he'd be here.

And I still say I can't see how you say that these people coming out of Panini's are going to make that left turn or right turn going on to the Lakeland Boulevard. And the people coming down that short stretch of 223rd by Miller are going to make that, you're going to have double the traffic. I don't see how you say that we're going to have less traffic because they're going to make them go to 222nd Street. If you were coming down that Marginal and you seen the traffic backed up from 222nd to that little short piece of street, you're going to shoot right and you're going to come right down my street, 223rd Street.

I understand that Panini's has employees instructed, through gossip, to park on 223rd Street. We live on 223rd. We can't even park a car in the street when we want to shovel our snow. A couple years back I came home from work and I parked on 223rd, ran in and got a shovel, by the time I come out I had a ticket and I'm parked on my own street. And I don't see how blocking that off is going to give us any relief and we're going to have double the traffic.

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And I mean, I counted 688 cars there in a short span of time, your 8-1/2 hours that you're talking about, 688 cars came down that street to 222nd. Now where are they going to go? I'll lay you 10-1 that 200 and some of them are going to come down 223rd Street.

And Mrs. Hufnagle, don't you talk to the people in your district to find out what their wishes are and what they'd like to do? I mean, you automatically put this on here. That's, you know, you and Mr. Delaney. I mean, don't your constituents have anything to say?

Councilwoman Hufnagle – I'm sorry, sir, I didn't catch your last name.

Mr. Bencina – Bencina, B-e-n-c-i-n-a.

Councilwoman Hufnagle – Mr. Bencina, I spoke with Mr. Perme on Thursday evening. That's the first time I had been notified by anybody that they did not that they had a problem with this, this project or they did not approve of it. It's been on the Council agenda for several weeks. So not hearing from anybody, I assumed that the residents because I know that their main issue has been the parking on the street. I've had several complaints since I've been in office of the parking on the street. I've tried to address that with the Chief, but there's only so much we could do there. So since I heard from no residents, I assumed that they were happy with this project because it would alleviate the parking on their street.

Now when Mr. Perme called me on Thursday evening and let me know that you, that there were some residents that did have concerns, I offered Mr. Perme the opportunity to meet with the residents over the weekend and I told him that I would make myself available to any time that the residents could meet with me. And I encouraged Mr. Perme to give my phone number out because he said he was handing out a flyer and I encouraged him to give my phone number out. Mr. Perme called me back on Friday and let me know that he could not get enough residents to meet with me. And after I spoke with Mr. Perme, I only received two other phone calls over the weekend.

Mr. Bencina – Well, don't you think in your position that you should try to contact the residents in some way that you know how.

Councilwoman Hufnagle – I understand that you feel that way and I can appreciate that, sir. I was told by Planning & Zoning that all of the legal notifications that were supposed to be sent out were sent out. And like I said it was put on the Council agenda for several weeks and it was in the newspaper. So I would have assumed that somebody on that street would have seen it and through word of mouth had their been any objections from the residents or the business owners, they, of course, know how to get in touch with City Hall or myself. So, my assumption being that since I heard nothing that there was no objection to it and I think, under the circumstances and given all the publicity that it was, I think that's a reasonable assumption.

Mr. Bencina – But you did nothing to find out if any of the feelings, if you didn't hear, wouldn't you be curious enough to find out why or something, I mean, talk to your people?

Councilwoman Hufnagle – The residents had...

President Sustarsic – Mr. Bencina, if I may interrupt, again, all notifications were given. There was a Planning & Zoning Commission, which notices were sent out according to the laws. As a matter of fact, it's, it's been a couple of months that I've had conversations and correspondence with Mr. Gerl relative to the property and the concerns and the situation and the concerns of yourself and the other neighbors and everything else like that. So consequently, the City did do its part and as far as notifying those people in the neighborhood.

Mr. Bencina – Right, and this only benefits one person, Panini's. This doesn't benefit anybody else by shutting the street down.

President Sustarsic – No, no, no, we're not, no, we're not making a judgment right now. That'll come up later at the time of the vote. But I'm saying we did let the people know through the proper legal...

Mr. Bencina – But it still benefits one person.

President Sustarsic – Beg your pardon?

Mr. Bencina – It's already been voted on according to the letter I got 3-2 by the Commission, hasn't it?

President Sustarsic – By the Planning & Zoning Commission.

Mr. Bencina – By the Planning & Zoning Commission.

President Sustarsic – But not by City Council, City Council will have the final word this evening.

Mr. Bencina – That's all I want to know.

Councilwoman Hufnagle – I can appreciate your concerns, honestly sir. The residents had no problem contacting me when they were upset about the parking and when there were issues with the parking. So given the fact that they've contacted me, several residents had contacted me in the past, I really think that my assumption was reasonable to assume that if they didn't contact me with this, that, that they approved of it.

Mr. Bencina – Well, we had, a lot of times I've almost gotten into an accident with the cars parked all the way to the corner. We called the Police Department, give everybody tickets.

President Sustarsic – Sir, I'm sorry, but your 5 minutes...

Mr. Bencina – I'm done.

Mr. Mike Gerl – 7995 Jennings Dr., Leroy Township. I, and my two sisters, are the owners of the property located at north, on the northeast corner of East 222 and Miller. Some of you or most of you may know it as the Corner Beverage.

I took the liberty because of running out of time at the Planning & Zoning Commission meeting to write each of the Council people and the Mayor a complete letter of my feelings and our feelings in opposition of this. And I'm not going to re-emphasize that and take up that time. But I just want you to know that the only thing I hear tonight is Panini's, Panini's, Panini's. You are going to vote on this and you're going to vote yes. I would like to hear you before you say yes as to why, what kind of benefit we are going to get from your voting yes on this matter. I would like to hear that besides Panini's.

As far as, with all due respect to all the Directors and the Council people up here you talk about people's habits and their driving habits, are any of you psychologists? Because those are the only ones, because that's the only person who can really tell you about people's habits and I can't see how you can presume.

The other thing I want to point out, I have a tenant in the rear of the property. She is somewhat handicapped, unfortunate, she cannot make it here tonight. But I want to re-emphasize the fact that she has 3 children and that instead of having the garbage picked up on Miller Avenue she's going to have to take the garbage cans through the parking lot of the Corner Beverage to 222. Her children now are going to have to board the bus on East 222 where they now board it on Miller Avenue at the driveway and at that drive way. What you're going to do is you're going to take 50' of right-of-way and you're going to give us 25' and 25' to Panini's. Panini's can build right up to the middle of Miller Avenue. I can't because there's utilities there. What's you're going to do is say here's 25', but you can't use it. We're going to control it because I have a gas regulator that's been down there for 50 years. It can't be moved. No one's going to move it and there's a water line that runs through there. So I have, you're going to give me property that I can't use. I'm going to lose that. And then try backing into that driveway when half the street is gone or backing out of it.

Last but not least, and no reflection negatively, but Councilman Hufnagle, Councilperson Hufnagle, I was a Councilman for 10 years. Believe me, never assume. Keep your constituents informed all the time. It's very important and you'll go far. Thank you very much.

Mr. Stan Miller – 920 E. 223rd. And before I go on, I just want to thank Council for the opportunity I have to speak tonight regarding my opinion and concern about Panini's going into Miller Avenue, you know, making that parking space on the street. And I think it's going to inconvenience two groups of people there on, with that situation. And that would be the residents of East 223rd mainly, and also the motorists who are coming from the Marginal and from the freeway, driving down Miller Avenue like they've been for so many years. That's

going to inconvenience them, too, as well. And I say the residents because with what you've been hearing tonight, East 223rd is going to be used more as a shortcut in the future if that area is vacated compared to what it is now. And also, there are children that live up, down the street there. I see them walking to and from school and playing football at the end of the street there toward the Panini's end on Miller Avenue. And so obviously, they're not, a little bit of concern for their safety because there's kids trying to play around there on the yard and so on so a little bit concern for their safety. And even if you make it a one way street, it's still going to increase the traffic.

And also for the motorists who are coming in from the Marginal or freeway, they're used to going down Miller Avenue and now they're going to be inconvenienced because they have to go down either East 223rd or they're going to have to go on the Marginal, you know, that's going to cost a little bit more time. They're not going to be happy about it. So while the residents of East 223rd won't be happy about it neither will these motorists coming down from the freeway or from the Marginal whether or not they live in Euclid won't be too happy about it either because then they're wondering why it's all vacated to a parking lot, you know, to them it might not make much sense why they're doing that.

And same inconvenience not only residents of East 223rd, I think, but also residents on Miller Avenue. That's the quickest way home from the Marginal or from the freeway is that part, that short section of Miller Avenue to get to the Miller Avenue pass 222 and toward 200. They're going to have to then, no doubt, go around on the Marginal or come down my street, down Beckford to 222. Kind of redundant and they're thinking what's the point. That's not really much use right there. So those are the two main groups of people not just the residents of my street, but I think the residents on Miller Avenue, who go down there all the time whether it's rush hour or during the weekend or what have you. And then the motorists, also, coming in from, like I said, from the freeway or from the Marginal even if they don't live in Euclid, they still crisscross through there and they're used to driving it all these years. And I'm also concerned if there's too much traffic one way or not coming down 223rd, it's going to change 223rd from a quiet residential street that it is mainly now still somewhat to just like a busy street like 222nd Street. But the thing is our street, 223rd, is not as large as 222nd in terms of width. 222nd Street has two lanes to travel on plus a turning lane and all we got is just a residential street so we can't handle as much traffic as 222nd Street or same amount of lane.

And also, about the Planning Commission meeting they had with the 3-2 vote. I never received a letter in the mail before hand that I could attend and voice my concern like I am tonight. I received a letter in the mail about the property right across the street from St. Christine's at the corner of 222nd Street and Beckford Avenue. I received a letter about that and I was invited to go there ahead, I'd known about it ahead of time and I could go to the meeting. So no problem there, but when it comes to the Zoning Commission meeting with that 3-2 vote to authorize the vacating of Miller Avenue, I never received a letter in the mail about it ahead of time that I could attend rather than toward the last minute and express my concern and opinion. And while it's nice to see a business like Panini's do well in the City of Euclid, I don't think it should come at the expense of inconveniencing any residents and motorists who drive through Miller Avenue. That's basically my main concern.

When I was a teenager, I used to deliver newspapers on E. 224 and E. 225 Street, two blocks away, those one or two streets away and I never had to worry about my safety because those were quiet residential streets with hardly any through traffic. That's it.

Councilwoman Hufnagle – Like I said before, the issue that I heard most from the residents since the last few months or the last year, has been their problem with the parking on the street. I can certainly understand how inconvenient that is to have the parking on the street all the time. I did hear from the residents concerning that.

I am concerned that the residents feel that they haven't had an opportunity to be involved in this process. I did not hear from them until Thursday night and I tried to make myself available for them over the weekend. I think that it would probably be in the best interest to perhaps table this piece of legislation and set up some meetings where the residents could meet with the safety forces, the Economic Development Director, myself, Councilman Delaney, our Traffic Division and we can work on the concerns together. I would make that a motion.

Councilman Delaney- I think I'd rather continue on with this dialogue with the residents who want to speak to this legislation. Tonight we could hear from the Chief. I agree that possibly we could put this into Committee and meet with the residents, the owners of Panini's, that sounds like a good idea. But there's people here that want to be heard and I'd also like to talk more to

Council Minutes

December 20, 2004

Page 12

this legislation and answer some questions. So before that motion is made, I'd rather hear from the people that are here.

President Sustarsic – In line with that, at least we'll hear from the remainder of the people and then we will be coming back up to Council later and then we can decide what action we will take, being tabled or being put into Committee. Next speaker please.

Mr. Don Ulle – 944 E. 223 St. I go along with the idea of tabling that, because I think we need to talk about it. I think the statement Panini's made about adding this extra parking to take parking off the street, is kind of a fairy-tale. When they make more parking at Panini's, they are going to do more business. They are going to enlarge their business, we're still going to get the parking down there anyway. That parking isn't going to help the residents at all. It is going to help Panini's.

I feel that Panini's, I wish them luck, I hope they have good luck at their business. But if they're so intent on expanding, why didn't they look into buying Flickingers and enlarging that whole corner into theirs and help Flickinger relocate in the area. That would be both businesses would benefit from it and the residents wouldn't get loused up.

The one thing I got concerned, basically what you do if you shut that off, you're turning 223rd into a one-way street if you're coming from the west. Because every time I come home I'd have to go down to Beckford to 223rd and then come home. I could not go down Miller and come back like I do now. It is an inconvenience and I don't think I should be inconvenienced for the sake of Panini's. I appreciate you letting me speak. I think it should be discussed more.

Mr. Dave Szabo – I own JayDee Cleaners and I've been a business owner in Euclid for approximately 4 years and very happy doing business here. My main concern, or some of my concerns are the traffic flow being cut off going north on 222. If anyone has been over by Miller and the freeway exit at 6:30-7:00 AM, the traffic is already fairly backed up. If Miller does get closed and the traffic gets forced down the real exit there to make a right on 222, it's really going to be jammed up. People will possibly start cutting down 223 and if they need to come back towards my area of business and the other businesses in that area, I believe they'd have to make a left by Guy's Pizza there, I'm not sure what that street is called. There's no light there and 222 in the morning both ways, there's a ton of traffic, so now you have people trying to make lefts to get back towards my section of business. There's a potential for many accidents and things like that. Main concern is traffic flow patterns are really going to be fouled up and I'm not sure how well that was looked at.

I did receive some sort of paper saying 600 or 700 cars in an 8 hour period go down that road. I don't know what time of day that was made at. But I would say 6:30 AM to 6:30 PM, there is a ton of traffic going down there and re-routing that, I think you just really potentially have a lot of problems. Thank you.

Mr. Spiros Gonakis – My Law Office is at 20050 Lake Shore Blvd. in Euclid, Ohio and I represent Panini's. I'm also a resident of the City of Euclid. My family has been here since 1951. Over that period of time, this city has changed a great deal. We used to have the Chase Brasses, we used to have the Addressographs, we don't have those luxuries any more. As a citizen of the City of Euclid, I realize that we have to pull ourselves up by our boot straps and we have to do that by encouraging small businesses and any kind of business to come into our city, bring people, bring employees, build up the tax base. The reason we need to do this is because we're spoiled. We in this city are spoiled, we're used to good services. We're used to exemplary services. We deserve them.

We're not going to have another Addressograph come in tomorrow. Ford Motor is not going to come in tomorrow. We need places like Panini's, like the Beach Club Bistro, like the Coppertop. We need different small businesses to come into Euclid, plant their roots here and stay here. Now it bothers me that Mike Gerl got a lot of applause here. I'm not saying that these people are wrong, they're concerned about their community and they should be. They're concerned about that street, I'd be concerned about it. I see cars parked there all the time and with little kids those parked cars bother me more than the traffic. You can't see when you're backing out of your driveway.

Panini's, one of their concerns is to get their employees, and most of them are females, they want them in their own parking lot. They don't want them going down the street at midnight or 2 AM. Mike Gerl has a for sale sign in his building. He doesn't want any part of the City of Euclid. In October, 2002 when Panini's bought and was renovating this place, I called Mike Gerl, invited him over to Panini's and showed him the renovation project. I told him that

one of the problems we were going to have was parking. I wanted him to know what we were doing. I wanted him to see first hand. I told him that our ultimate plan, once we showed the City of Euclid that we were a keeper, that we were going to stay here, that we were going to ask the city to vacate the street. He knew that. He knew we needed parking. So what did he do? He called us up and says I got this lot, would you buy it? And we bought his lot. Last week his lawyer called me up and said would you buy my building? He wants out of the City of Euclid.

Panini's is here for the long haul, they want to stay. They want to beautify the neighborhood. They want to improve the neighborhood, they want to work with the neighbors. They sponsored over 16 softball teams in the summer time. Those are for our kids, our young people, our residents. Please think about this. I think it's a good thing for the city. I think we can work out the traffic thing if we all work together. It is a thing that would be good for the city. Thank you.

President Sustarsic – I think anything further that's going to be said that might be different than what has been said already, would be acceptable. We do have a very lengthy agenda this evening and we would like Council to take some form of action on this. So again if you could keep your comments towards something that maybe hasn't been expressed yet, we'd appreciate it, thank you.

Ms. Marie Gerl Kebe – I am one of the owners on 222 Street by the beverage store. The only thing I want to say is this. When my father had the property, he had Max's Beverage, whatever, and across the street was Welcome Tavern. At that time Welcome Tavern was jammed with Polka bands, dancing, people were there constantly. Parking, they never complained to the City that they needed more parking. They had more business than Panini's has now, or will have, because it was jammed.

I don't understand how come all of a sudden Panini's is so important. Nobody asked for more parking when it was Welcome Tavern or when it was Max's Beverage. That's what I don't understand, how come all of a sudden one business comes along and he's got the right to say, I want my street vacated. Thank you.

Mr. Stan Kebe – 951 Babbitt Road. In all due respect to everyone. I want to ask, what kind of message are we sending to business owners coming into this community? As a new business owner coming into this community, do we get a Christmas gift of a free road because we have problems parking? Boy I tell you, I'm ready to come into this city.

What about the other merchants that have been here for 10, 15, 20 years on E. 223rd that are going to be hurt economically by this move and I'll explain that in a minute. I ask the City Council members as far as, have you done your due diligence. Due diligence, city officials, due diligence is not sending two notices to two property owners at a Planning & Zoning Meeting. Two property owners were notified and I can promise you, guaranty, if the information, if the resistance as discussed here would have been brought out at Planning & Zoning, this would never gone any further, okay.

When I talk to some of the council members, the comment was made, we don't know of any resistance. It is your responsibility to go and find that resistance. You are elected city officials. I can tell you that I have no economic gain of this situation but I'm a concerned resident as far as future economic decision that are made. That is, there are members on E. 223, 222 that are going to be effected, business owners and I'll explain that briefly.

This is basically the lay out of what's happening here. As was explained, almost 700 cars will travel west on Miller Road in an 8 hour period. If you multiply that by three times that, that's 24 hours. That's 2100 cars in a 24 hour period. What's going to happen is of the 700 cars, approximately 500 of these cars will go normally will go north on 222 which no longer will head that way. The cars will head north on 223 and 224 down Beckford. What's going to happen to these merchants that have been loyal business owners of the City of Euclid for that last 10-15-20 years? The exposure, the marketability that these people have for their business is a storefront is eliminated. Do you understand that? By this decision Panini's is going to benefit, but everyone, not only are the residents are going to be detrimentally affected, but these merchants. If you take one nickel out of a merchants pocket, you've affected their livelihood. You have taken food out of their family's mouth. One nickel.

Someone said it's not really going to affect those merchants that much. It doesn't have to. It has to affect one person. If Panini's, Mr. Anderson benefits from Panini's, okay and the balance is not benefited by the other people, then you as city officials are not making the right decision for this community. I ask you in good conscience to vote and to be considerate and to be loyal and to be respectful of all the merchants on 222.

I can tell you this, I did my due diligence. I talked to 18-20 business owners and I could tell you that Gary Luikhart from Lutech is opposed. I could tell you that John Lanier of Office Supply is opposed. I could tell you that William Borolow from the African Food Mart is opposed. I could tell you that Sarah who has a African Hair Salon is opposed. I could tell you that the Sherman Brothers from the Nationwide Insurance Agency is opposed. I can tell you that Wojtila, Barb and her husband from Wojtila's is opposed. I could tell you that Mr. Issac from Disco Company is opposed. I can tell you that Scott from Sunoco is opposed. I could tell you also that Allen and his partner from Advantage Competitors is opposed. I can tell you that the Euclid Bike, I don't have his name, I could tell you that Lilly Brensik from the Beauty Salon is opposed.

President Sustarsic – Sir, your 5 minutes is up. Seeing no other comments, we'll go to the Council and see what your pleasure is.

Councilman Delaney – Mr. Kebe, you didn't mention the Euclid Meat & Sausage Shop. You missed the Euclid Meat & Sausage Shop. I wish you would have stopped in to say hello.

Couple of things I would like to explain about the legislation and Councilwoman Hufnagle and my name were on it. All legislation is sponsored by a Council member, any member of Council and I give Director Gulich some credit, he asked me to put my name on here because no one travels that corner on this Council more than I do I think. It is no surprise, I'm glad to see all of you out here tonight. It is no surprise. I think this is very typical of controversy and generally we all feel ourselves resistant to change but there's no one here that works for the city or represents the city that doesn't first upon take itself the health, safety and welfare. If we didn't think this was a plan that was worthwhile, it wouldn't have gotten this far, but it did.

I think that there might be a lot of information that is hypothetical and we need to address and we'll need time to do that. I have heard from Mr. Gerl and his sister and he asked why you would be in favor of this and one of the reasons is, without a doubt, it will alleviate the off-street parking. Whether its employees or customers, they are eventually going to find a place to park and that's always what happens is they'll go up and down the streets. If Panini's doesn't have their employees, then you're going to have a more transient crowd coming and going for the restaurant hours.

Talking to the Corner Beverage customers and owners, they find that sometimes the streets are a barrier. If it were connected, that storefront might be served better, that pedestrian traffic, which is part of urban planning, would probably find more business there.

As far as the amount of traffic, Mr. Gonakis raises a good point. We used to have the Addressograph-Multipgraph, Euclid Road Machine, Lincoln Electric, when it was hitting on all cylinders, we had TRW. Those roads accommodated 26,000 people a day. We don't have near that much, unfortunately we don't have near that many jobs there right now. Our roads will handle that and of course if Monte Carlo who has had many, many years doing the traffic and the streets and he knows every corner of the street very, very well. He can speak to that and please mention how many years and how much experience you've had. I'd also like to hear from both Chiefs about the safety vehicles getting in and out of 223rd and the question was brought up about children playing around on the streets as opposed to every other street whether this is vacated or not vacated.

It does deserve consideration. Panini's is a resident of our community. They have invested a great deal in that corner. Our corners are very, very important. They are the gateways to our city. These are the things that people are going to see. They are proposing a very significant improvement. We have to listen to this. The street as it exists, people in the area have become comfortable to that and it could be a change. I don't think that people who are trying to navigate the roads, who might not know the city as well, they probably will stay to the main roads and for those of us who have businesses and people that might be trying to find them, I think that they will be served by Lakeland and 222 Street. But, Council President, before we make it a motion, I'd like to hear from perhaps Mr. Gary DeWine, Monte Carlo and the Chiefs on those questions.

President Sustarsic – Would anyone be willing to address this and keep it brief and to the point, if you would.

Mayor Cervenik – They may not be as brief as you'd like. If we are going to address this in depth tonight, I think Mr. Carlo has done a rather extensive study on the traffic and Mr. DeWine and Mr. Gliha as well have looked at the affects of the traffic changes on the businesses and

Council Minutes

December 20, 2004

Page 15

we've also had discussions with both the Fire & Police Chief about minimal, if any at all, ill effects. If we want to address those tonight, we can do that.

President Sustarsic – That would be up to Council too, in case you wanted to prolong it anymore, or if because of the nature of it to put it in Committee where we could just focus our energies just on that one particular issue for one evening.

Councilman Delaney – I would really like to hear briefly tonight. I think it would serve the residents purpose if they were able to meet casually with Panini's maybe a neighborhood meeting and then later we could schedule a committee meeting that would be able to put the focus on the concerns together. Just as long as the people can leave tonight with something they can bring back the next time. They have a lot of questions.

President Sustarsic – Is there a motion on the floor?

Councilman Delaney – I would make a motion to put it into Committee.

Councilman Gruber – I was over at Mr. Perme's house last Thursday and I had a nice conversation with him. I spoke with the Councilwoman. Looked at the situation closely, looked at the different angles of approach for the traffic. I feel that this would be best served in a Committee, preferably Safety Committee and I would be willing to host that if that is the Council's wish at the earliest convenience so we can answer the residents concerns and problems and we could have a full presentation by Mr. Carlo and the Police Chief, Fire Chief and whoever else we feel is necessary to be there. But there is a lot of questions by the citizens, they are concerned. I will bow to the Councilwoman's wishes, it is her ward. But I would go along with putting it in Committee.

President Sustarsic – Motion has been made by Delaney and seconded by Gruber to go into Committee.

Councilwoman Hufnagle – I would support it going into Committee, as long as the residents can feel comfortable and I want the residents to have a time frame. We tell the residents this evening that we're going to have a committee meeting within, and I realize it is the holidays, so maybe at least a month. But they need to know that this issue is going to be addressed in a timely manner. I would support it as long as we can give them some sort of a time frame.

Councilman Langman – Obviously the residents feel very strongly about the quality of their neighborhood and at the same time we want Mr. Anderson's business to succeed. What we're really trying to do is create a win/win situation for the business owner and the residents. I think we can do that. I would support this going into Committee as long as Mr. Anderson is satisfied that we can turn this around within a month, I would say? That might be a decent time frame. There are questions about the traffic flow and how we handle the traffic in that area if we vacate.

President Sustarsic – Motion has been made by Delaney and seconded by Gruber to go into the Safety Committee.

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

Ordinance (178-04) placed in Safety Committee.

President Sustarsic – Residents will be notified as soon as possible with the date to discuss this.

Mayor Cervenik – I would suggest that if you want the full presentation that you could possibly set a date, either Wednesday, January 5th or Wednesday, the 12th. I don't believe either one of those nights are booked right now.

Councilman Gruber – The 5th is fine for a Safety Committee.

President Sustarsic – January 5th will be the meeting of the Safety Committee on that issue.

Councilwoman Hufnagle – I would just like it clarified now if we're going to allow a public portion at that committee meeting please.

Councilman Gruber – Yes.

Councilwoman Hufnagle – Thank you.

Ord. 218-2004 (222-04) Vacate Knuth Ave. Tungsten-E. 260th

An ordinance to vacate Knuth Avenue in its entirety from Tungsten Road to E. 260th Street. (Sponsored by Mayor Cervenik)(From Planning & Zoning Commission with a recommendation for passage)

Councilman Gruber moved for passage; seconded by Councilman Delaney.

Commissioner Torowski – The Knuth Avenue to vacate legislation was presented to Planning & Zoning Commission on the November 16th agenda. That meeting Mr. Doug Price of K & D Group indicated that residents of the apartment complex approached him about turning the complex into a gated community similar to Morgan Park. Currently, the street is being used as a cut through for non-residents and cannot be controlled. Also, the vacate would alleviate parking condition by allowing a resident to park on the vacated street all night, which is currently prohibited by City ordinance.

K & D proposes constructing a guard house and security and electronic entry system for residents and guests at the East 260th end of the complex. Gates would automatically open when police or fire sirens are on allowing for the safety should the department need access. At the Tungsten end of Knuth, a cul-de-sac with a gate separating the street's that created allowing vehicles to turn around.

With information presented the Planning & Zoning Commission recommended passage by Council. Thank you for your support.

President Sustarsic – Thank you, do we have any questions or comments from anyone on Council?

Councilman Sustarsic – I have a question. Got a couple of businesses there's a KFC on the corner of Euclid and Knuth and that shopping center is there, Richmond Shopping Center. How would they be affected?

Commissioner Torowski – The vacation of that portion of Knuth would not affect businesses around that. The vacation would stop right at the curb going into the complex.

Councilman Sustarsic – Okay.

Councilman Langman – Just a question for Director Gulich, I'm looking at one of the renderings that you have and it shows Knuth going into 260th. Can you explain that please?

Director Gulich - That is a very good question, Councilman Langman. Anybody looking at that that didn't know the past history of the scenario there would be totally confused looking at that. Think back to early 1970s and before, before we had underpasses on East 260th Street, which is a straight route. At that time East 260th actually went straight to Euclid Avenue. There was, there was an island type effect there and Knuth Avenue was a numbered street. It actually did go into East 260th. In the interest of safety at that time, it was felt that the relocation of East 260th that street simply have a bend put in it and then it bends up into what actually was the old 260th Street.

Councilman Langman – That is one of the strangest layouts I've ever seen as far as it is now. But the vacation actually begins to the north of the utility whatever that is, shed and that's where the parking garages, am I looking at the map correctly? There's like that brick, I think it's maybe Dominion Gas housed or...

Director Gulich – That actually is the East Ohio Gas structure and that is one of the main reasons why we had to stop the vacation where we did. Obviously, if we would have vacated any farther, they would gotten part of the right-of-way; but we didn't want them to have part of the right-of-way. They don't have part of the right-of-way. We would have had to get into an easement situation there. So that is after discussing with their surveyors they might be best to

Council Minutes

December 20, 2004

Page 17

vacate to the point where they did, which is actually the dead end of the old right-of-way of East 260th Street, which has since been relocated which if it sounds confusing, it is.

Councilman Langman – Now the way Tungsten is laid out today, I'm sorry, Knuth Avenue and Tungsten. Is the primary entrance way to the south toward Euclid Avenue or is the primary entrance way off of Tungsten?

Director Gulich – Good question, I'll answer that question. Maybe at some point you want to get Doug Price up here. He's sitting here patiently, but the ingress and egress will be from Euclid Avenue only. It will be gated. There will be a cul-de-sac constructed toward the south end of the street and there will be no more ingress and egress from Tungsten. So, it'll be eliminating the cut through there.

Councilman Langman – And we have contingencies for the safety forces if they need to come in through Tungsten?

Director Gulich – Yes, I'll let the Chiefs address that directly if they want to. Did have a meeting in the Mayor's office with Doug Price, his engineer and the Chiefs there and we put all the concerns out on the table a number of months ago. So if Council wishes to call Mr. Price or ask those questions of the Chiefs, please do.

Councilman Langman – Chiefs, if you would please.

Chief Maine – I won't speak for the Fire Chief, but I'll go first. We did meet with Mr. Price and Hank and discussed all these issues that you've brought up. We've had a very good relationship with Mr. Price's other gated communities, both at Morgan Park and also the complex up on Lake Shore Boulevard. We've never had a problem gaining access to the properties. I think the plan he has set up for this particular project is, will be, will serve us just as well.

Chief Cosgriff – I would concur with that assessment.

Councilman Langman – Very good, thank you, gentlemen.

President Sustarsic – Any other comments from Council or questions?

Councilman Sustarsic – Question for, is for children living in these apartments, I mean, we have a playground right on Tungsten there is there going to be access for the children to come and go from the property to?

Director Gulich – I wouldn't be able to answer that.

President Sustarsic – If Mr. Price if you could address that?

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

Mr. Doug Price – Yes, there would be a gate down there. We, again, did this in Morgan Park and really what you have it's really sort of a driveway between two halves of the complex, Knuth has become. It separates the complex. So it's really, I view it more as a safety concern because going across that street, people use it as a cut through and it's pretty dangerous for the residents and the kids. And it's hard to maintain it as a one community and control it when you have that public access that goes right down through.

President Sustarsic – Okay, any other questions?

Councilwoman Holzheimer Gail – Just a general comment. I had, when this issue came up I asked many of the Directors and the Police Chief, specifically, to provide some numbers on the changes to police calls and impact on services and they were all very positive. So I think in part that's due to K & D's management and I commend you for that for your other apartment buildings. But I think the gating impact has also been a decrease to police calls so it's, in my eyes, providing a safer community for the residents to live in. It's providing a decrease on the demand to the Police Department. Both Police and Fire Chiefs have indicated there was no

negative effect in terms of their ability to respond. The Service Director said that, you know, it alleviates one street from being plowed and being repaired. So over all, the gating of these apartment complexes has had a very positive impact so it's something that in the future, you know, perhaps we could look to working with other apartment owners. Because I do believe this has a very positive impact on the community and I commend Mr. Price and K & D Properties for that.

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

Councilwoman Hufnagle – I did receive one phone call this morning from a resident that lives on Tungsten and they're concerned with the street being closed off then that traffic, and I think Mr. Price alluded to this, the traffic wouldn't be cutting through there any more. So her concern was that the traffic would be increased down Tungsten then and with a playground being on the other side of Tungsten, the kids coming from your complex over have to cross that street and she was concerned about the safety issue there. She had a question as to whether or not, and I don't know how this would be addressed, if we could install some blinking children at play lights or something. If somehow we could help with that traffic through Tungsten, so and maybe the Chiefs, maybe the Chief can address this maybe that's not even a real issue. So, it was her concern so if someone could address that.

Mr. Price – Actually, if we gate that off, it'll lessen the traffic on Tungsten because the only people that would live on Tungsten would go down Tungsten. Right now, you can cut through there, make a right and turn out onto 260th. That'll be alleviated so it will actually lessen the traffic on 260th or on Tungsten, which will make that playground a safe environment.

Councilwoman Hufnagle – No disrespect, Mr. Price, but Mr. Gulich, would you agree with that assessment?

Director Gulich – Certainly, we'll be putting less traffic onto Tungsten and people will have less need to use it to get access to their units on Knuth Avenue.

Councilwoman Hufnagle – Wonderful, thank you very much and thank you, Mr. Price.

Mr. Price – Thank you.

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

Councilman Sustarsic – I just want to commend Mr. Price while he's here. I've lived in this community my whole life and what he has done to that apartment complex is been fantastic. It's the best I've ever seen it look with the new windows and everything. You did a heck of a job.

Mr. Price – Thank you; appreciate it.

President Sustarsic – Very good. Okay, thank you. Okay, being as this is a public hearing if there's anyone in the audience now that would want to address this issue, feel free to step up to the microphone and express your concerns or whatever questions or comments you might have. Okay, seeing none, so going back to Council. Any closing remarks anyone might have? Okay seeing none.

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

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

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

Passed.

Ord. 219-2004 (257-04) EDCOR – HIP Program

An emergency ordinance authorizing the Director of the Department of Community Services and Economic Development of the City of Euclid to enter into a contract with the Euclid

Council Minutes
December 20, 2004
Page 19

Development Corporation (EDCOR) for the purpose of implementation and administration of the single-family low interest Home Improvement Loan Program, at a cost not to exceed Forty Four Thousand Five Hundred Dollars (\$44,500.00), for a twelve (12) month period from January 1, 2005 through December 31, 2005. (Sponsored by Councilwoman Holzheimer Gail)

Councilman Daly moved for passage; seconded by Councilwoman Hufnagle.

Director Pietravoia – I've asked Deputy Director Bob Gliha to join us this evening for this matter before Council so he will explain the contract.

Deputy Director Gliha – It's hard to believe that 2005 will represent the 27th year of the EDCOR low interest Home Improvement Loan Program. The program was originally funded in 1978 with some seed money from the Community Development Block Grant with the intent that the program would become self-sufficient because the funds would be revolving back into the account so that the balance would be used for additional loans. By regulation, though, the revolving funds cannot be used for administrative costs. We must enter into a separate contract using Community Development Block Grant funds, thus, this legislation is before you tonight.

I would just like to present a few facts of where this program stands. How did we last year and the loans that are in process for next year. Since 1978, 691 loans totaling \$4.8 million have been made to our residents. Our current portfolio has 127 loans outstanding representing \$1.42 million. In 2004 alone, we completed 23 loans at a cost of \$267,000 or an average of 11,600 per resident per loan. We also, currently, have 20 loans in process, which total about 257,000 and we have a \$221,000 balance available for new loans, which we are constantly getting inquiries and taking applications day by day.

The proposed administrative contract is for \$44,500. That equates to about 17% of the total cost. It's important to note that national average as reported by HUD is 25+% for the administration of this type program. The Department of Housing and Urban Development has always been very complimentary of EDCOR's administration of this program, especially in the way that they involve the homeowner, the citizen in the process so that they feel that they are truly part of the process. It's a very important program. This helps our low and moderate income senior citizens and our residents get their houses up to code and to make improvements to their kitchens and other amenities that not only make their living in that dwelling more pleasant, but in the long run make that dwelling more salable when it's time for it to go on the market.

So we would ask for your approval of this administration contract for the 27th time and if there are any questions, I would gladly entertain them. Thank you.

President Sustarsic – Thank you, I would just like to commend the department because I, if I dare say so, I think you might have been here the majority of those 27 years....

Deputy Director Gliha – I'm afraid so, yes.

President Sustarsic – And had a lot to do with it and the success of the program and this is one of those perks, I guess you could say, for the residents of the City that they can take advantage of and between that and our Housing Department and all it's done very well. It's just helped the City greatly.

Councilwoman Mancuso – The reason for it being an emergency ordinance is just so that you can start January 1st?

Deputy Director Gliha – So we can start January 1st, yes.

Councilwoman Mancuso – Is there a way to present this earlier so it doesn't need to be an emergency measure?

Deputy Director Gliha – In the future, yes, I think we can present it in November of next year.

Councilwoman Mancuso – Okay, thank you.

President Sustarsic – Any other questions or comments?

Council Minutes
December 20, 2004
Page 20

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

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

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

Passed

Ord. 330-2004 (262-04) Brd of Education Payment

An emergency ordinance authorizing the Finance Director of the City of Euclid to make a payment in an amount not to exceed \$97,580.00 to the Board of Education as required under Ohio Revised Code Section 5709.82. This payment represents the final year of the tax abatement and income sharing equipment. (Sponsored by Council President Sustarsic by request of the CS&ED Director)

Councilman Gruber moved for passage; seconded by Councilman Sustarsic.

Director Pietravoia – Again, we are very fortunate to have Bob Gliha here with his history. He was involved in this piece of legislation, which relates to Lincoln Electric, when we first entered into an abatement agreement with them 10 years ago. So he's also here this evening to explain this piece of legislation.

Deputy Director Gliha – I'll say, the reason that this will, is an emergency and had to be an emergency is because we have to wait until Lincoln Electric announces their bonuses, which just happened about a week ago. And they work on tabulating those bonuses almost up to the day that they announce and cut the checks. So we don't know what the final financial figures may be until that time.

But yes, indeed, this is the end of a 10-year real personal property abatement that was granted to Lincoln in order to secure their Cord Wire Division and their Research and Development Division here in the City of Euclid. In the tax abatement laws when a new tax abatement agreement and it causes or generates \$1 million in new payroll from the new employees that are associated with that project, the cities are required to share 50% of the new income tax with the school system. In the City of Euclid's case we have 2.85% income tax rate. The schools already receive .47 of that 2.85. The 50-50 share is based on the remaining 2.38%. This year Lincoln Electric has estimated that the 148 employees that were brought into the Cord Wire Research and Development Department by this project generated \$8.2 million in payroll. We then applied the 2.38 to the 8.2 million, which gives us \$195,160 and, of course, 50% of that would \$97,580. It's interesting to note that the 148 employees have an average salary of \$55,405 a year.

In closing because this is closing out this tax abatement and it's been a very successful project not only for Lincoln but also for the City of Euclid. I would just like to close with a summary of the project itself. The real property investment by Lincoln was \$4.8 million. The personal property investment was \$34.3 million. Of course taxes will be coming back on the duplicate next year in the year 2005. We estimate that approximately 114,000 in real property taxes will be back on the duplicate and between 81,000 and 100,000 in personal property taxes will be back on the duplicate.

Lincoln's, some encouraging news, I spoke with Lincoln this morning. Their current employment is at, stands at 2,166. Last year at this time when we came before you with this legislation, there total employment was 1,984. So we have seen a net new employment or re-employment of 182 jobs during the year 2004. And it's also interesting to note that approximately, their payroll is approximately \$120 million, which equates to 3.4 million in income tax for the City of Euclid.

So in closing this, this has been a very successful project for the City and for Lincoln. We do have one project, one tax abatement project which is still open which is the Customer Service Center, which is located across the street in the old EP3 as they call it. As you recall, those jobs were brought in from the City of Mentor and into the City of Euclid so we look forward to another successful project and those years go by. And I thank you and if there are any questions, I would gladly entertain them.

President Sustarsic – Thank you, any questions or comments from Council?

Mayor Cervenik – If I may, Mr. Chairman, members of Council, members of the audience, this is the last time that Bob Gliha's going to be appearing before you as our Deputy Director as he is retiring at the end of this year. And Bob has been responsible over his 30 years for many, many successful projects, such as the one he's talked about this evening. We're going to miss him. We hope to bring him back to help administer, on a contract basis, our Block Grant funding because he's known throughout northeastern Ohio as a person to call when they have problems or questions about block grant. City of Euclid is a much strong City and a much better City because of Mr. Gliha's efforts. And we're going to miss you and we sincerely do appreciate everything you've done. I think he deserves a round of applause for all he's done. (Round of applause) Thank you.

President Sustarsic – I'd like to echo those comments and don't go too far because...

Deputy Director Gliha – I won't. I would like to thank everybody. I grew up in this City. My wife grew up in this City and we are going to make, retire in this City.

President Sustarsic – Great to hear it. Any other comments or questions from Council? Okay, seeing none.

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

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

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

Passed.

Ord. 221-2004 (263-04) Point of Sale Inspection Fee

An emergency ordinance to amend Chapter 1759 (Certificates of Inspection) of the Building and Housing Code of the Codified Ordinances of the City of Euclid. (Sponsored by Mayor Cervenik and entire Council)

Councilwoman Hufnagle moved for passage; seconded by Councilman Langman.

Director Pietravoia – As most members of Council know, this matter was discussed in part at our Executive Committee when we were discussing the budget for 2005. We were looking for a way to more accurately bring in line the fees that we charge with the cost to actually provide the services that our conducted by the Housing Division. In this case, this ordinance proposes that Chapter 1759 be amended to increase the fee by \$35 for the Point of Sale Certificate of Inspection from the current level of \$190. The last fee increase was in 1993. At that time the fee went from \$50 to the present \$190. This amendment expands on an earlier proposal that was introduced, I believe, it was in February or March of this year by Councilwoman Hufnagle and it's based on further research that we conducted within the department during the budget hearings in particular. And in essence this would replace that ordinance, which was in Finance Committee.

The amendment also adds what we're referring to as an assumption fee and that fee would be as proposed to be \$150. And this would cover the cost of re-inspections that are conducted after violations are assumed by a buyer. In this case the proposal is that the fee would provide for 2 additional inspection visits after the assumption is made. We believe that this will help to control not only control our costs but encourage fewer re-inspection visits after an assumption is made. Currently, our Housing Manager Ron Petkovic would attest to this. After an assumption it's not uncommon for the inspectors to have to go back 2 times sometimes as many as 4 times or more before all the violations are corrected. As you can imagine, this is time consuming and fairly costly. So because currently there are no additional fees that cover those re-inspection visits. So to further encourage a timely correction of the violations and to help cover the cost of the additional inspections, we've also recommended and you see in the draft that's before you in the ordinance, what's referred to as a non-compliance fee. And this would be a charge of \$100 that would be only imposed if more than 2 additional visits are required after the assumption takes place.

Based on an average of about 1,000 Point of Sale applications a year, the fee increase of \$35 each will generate approximately \$35,000 annually and then based on an average of about 450 assumptions per year that assumption fee would generate another 67,500. So together those revenues for the division would be increased by approximately \$100,000 per year.

As I said in my opening remarks not only will the increased revenue help to offset our actual costs for the staff needed to conduct the Point of Sale Inspections in a timely fashion, but it will also allow us as we realize through our budgeting process to replace the retiring Housing Inspector that we expect to take place in March of 2005 and also to add an additional inspector. So that would bring us back to 7 inspectors in our Housing Division. We were at 10 or 11, 10, at one point and we're currently down to 6. We've experienced some very frustrating delays both for us and for the residents and property owners involved. We're hopeful and convinced that we can do things in a more timely fashion with this increase in revenues and adding those two additional inspectors. So with the support of the Mayor and at the request of both Councilpersons Hufnagle and Langman we have revisited the budget and determined that this increase in revenues would allow us to fill those two positions. If you have any questions either I or Housing Manager Ron Petkovic would be happy to respond to them this evening. Thank you.

President Sustarsic – Thank you. Just to follow up on that one point in as far as disappointments or whatever as far as lagging behind, could you give us an idea approximately how far behind might we be in as far as inspections at this point in time or?

Director Pietravoia – Actually, at this point in the year because things do slow down a little bit in the later part of the year, we are fairly well caught up. I think Councilwoman Hufnagle had asked how many outstanding Point of Sale inspections we currently have. I don't have an exact number for you, but those that were started in November and most of the ones that came in, in December are currently active. The remainder of the year has pretty much, those that came have pretty much been closed out.

President Sustarsic – Okay, good, any other comments or questions?

Councilman Gruber – I fully support this and I'd like to have my name added to this legislation in support of the Housing Department.

President Sustarsic – If they could do that, okay. And I, actually, I think it would behoove everyone to promote the City that way, too and to just have all of our names added to this piece of legislation. I don't think there'll be any question.

Councilwoman Hufnagle – I would like to thank the Administration for continuing to work on this piece of legislation. As a ward Councilperson, I realized early on how vital the Housing Department was to the City and how important it is to keep our housing stock at a level that our citizens expect and should expect. I worked on this piece of legislation at the beginning of the year with Ron Petkovic and another Housing Inspector, Bob Chaplain, and the purpose was so that that department didn't have to suffer a cutback. At that time based on the 2003 figures, I had estimated that it would, that piece of legislation would bring in between \$70 and 75,000 a year. So I'm very pleased that the Administration has continued to work on this. That they listened to our concerns during the budget hearings when they proposed again that that department would suffer another cutback and I'm pleased that this is one way that we can kill two birds with one stone. We can keep our housing stock at a level that we've come to expect it and we can keep that department somewhat adequately staffed.

I would also like to commend that department. I want to take a second to say how pleased I am to work with that department and even last week I received some very nice compliments on Ron Petkovic and the secretary, Denise Koman, from one of the realtors in the City and that is much appreciated. These are the kinds of employees that we have in the City. I'm very thankful, I'm pleased to sponsor this piece of legislation with Councilman Langman. We've discussed housing issues before and now that the other Councilmen have added their names I think this says a lot about how we view our housing stock in the City.

And the other point that I want to bring out is something that I was very adamant with Director Pietravoia about that this piece of legislation included the 100% rebate for people that sell their house in Euclid and want to stay in Euclid and buy another house. And we were particularly concerned with the residency requirement that our employees have to live with and this is one way this could benefit them that they would not have to incur that fear that they could

get a rebate. But it would be good for lots of people that will stay in Euclid. So again, thank you.

Councilman Delaney – Director Pietravoia, you've worked for other municipalities. How do these rates compare with other cities?

Director Pietravoia – Thank you for the question, Councilman Delaney. We did do some research and we found that there's a pretty wide range of fees that are charged, but also a very wide range of services that are provided from that inspection. In the area we found as low as \$50 and as high as \$320 and again, it varied from city to city in terms of what was actually being done for that fee.

I guess locally my concern is more that we know, we have a pretty good hand on what it costs for us to provide the inspection services. And since we haven't increased those fees from the 190 since 1993, we haven't really kept pace with the cost of actually providing those inspections, particularly when the multiple visits are required.

Councilman Delaney – So there's even that wide of a range with comparable inner-ring suburbs like ourselves?

Director Pietravoia – Yes, in fact, the highest fee right now is by our neighboring city of Wickliffe and it's because it involves a, they do a sewer die test, an inspection. And they're actually considering a complete interior and exterior inspection at an additional cost of \$100 which would bring their total to over \$400.

Councilwoman Holzheimer Gail – Just a quick, practical question. Do you have something that you give to residents when they get a Point of Sale Inspection that will clearly identify what the possible fees will be that, I just want, I don't want anyone to not understand that if it goes longer than 2 return visits, they'll be charged again.

Director Pietravoia – We will be modifying the handouts that we currently provide to reflect this new fee schedule once it's passed by Council. And I do agree with you, I think it's important. We really are hopeful that we know that we're going to generate some new revenue here from the assumptions, but we're hopeful that we can get most of the inspections taken care of on the front end before an assumption is made.

Councilman Langman – Director Pietravoia, thank you for working on this piece of legislation. I know we've discussed ways of keeping the Housing Department at a certain level of strength because, obviously, with an aging housing stock primarily, inspections are critical to maintain the health of the housing stock.

I do have a question for Mr. Petkovic. I think one of the residents asked how some of these matters are enforced. What's the enforcement mechanism for collecting the fees and if they don't comply, how do we assess the assumptions and so forth, so if you could address that please.

Manager Petkovic – There's a process that has been started about a month ago as far as the assumptions go. At first is when people decide they want to assume the violations, they will come to the counter and pay the fee. At that point they will have to supply the secretary or myself with a list that will first be a letter of intent from the buyer of their intention to assume the violations and make the repairs in a timely manner. Second of all, they will have to provide a list of the violations and next to the list that they are given, we're asking them to put down an approximate cost for each item and then put a grand total on it.

President Sustarsic – Excuse me, Mr. Petkovic.

Manager Petkovic – Yes.

President Sustarsic – We're a little bit over. They have to change the tape. At this point in time, if you keep that thought in mind, everybody remember where he was at. We'll take that 3 minute recess if you will and we'll be back shortly. Thank you. Do you remember where you left off?

Manager Petkovic – The assumption process is a 3-step process. As I stated before, #1, they will come to the counter. They will pay their \$150 fee and this will get them two visits to their home on the assumptions they are assuming all violations. At that point the Housing Manager will have to have a letter of intent from the buyer, who's going to assume the violations, stating that they do, in fact, want to purchase the home, assume the violations and make repairs in a timely manner. Second of all, they will have to, next to each of the violations, put down the approximate cost for the repair of each one of those and, of course, total it up on the bottom. And thirdly, it's the most important one is we need proof of financial ability from the people who are going to do, be assuming the violations. And that can come in the form of a recent copy of their checking account, savings account, recent copy of a 401k, an IRA or a letter of credit from a bank. Any type of form like that where we can make a telephone call and confirm that those funds are there to be available to make the repairs. And once the Housing Manager gets a look at that and approves it, there's one final step and that will be for the buyer to call our secretary to make an appointment to come in and do the paperwork. The paperwork takes between 15 to 20 minutes and it's done by appointment only.

As Director Pietravoia has stated, there are times where our inspector has come up to me with a file and has been there 5-7 times and has had no luck with the owner. And at that point we have no where else to go but to the Prosecutor's Office because our inspector constantly leaves a red tag to call him back. And the homeowners don't do that in some of these cases so we're hoping that this is going to stop all of this. Then, of course, Director Pietravoia mentioned the hundred dollar non-compliance fee for each additional visit after 2 visits.

And one more thing I'd like to add is the senior citizens who get the Homestead Exemption, they will be charged only \$100 for their Point of Sale inspection instead of the full amount. If there are any other questions, I'd be happy to answer them.

President Sustarsic – Thank you, are there any other questions or comments from Council?

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

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

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

Ord. 222-2004 (256-04) 2005 GMC Sierra for WWT

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to purchase a 2005 GMC Sierra with 4 wheel drive and plow for use by the Waste Water Treatment Department, at a purchase price of Twenty Thousand Six Hundred Sixty-Seven Dollars (\$20,667.00), through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Gulich – Our Waste Water Treatment Plant has a number of needs for this new vehicle. They have numerous meters to service. They have industrial manhole sampling to perform on a daily basis. They have to service our Lift and Pump Stations, which are out at a couple of times weekly throughout our system. They also use this to plow their own facilities on Lakeland Boulevard and on Lake Shore Boulevard. We will purchase this through the State of Ohio Cooperative Purchasing Program. The funds are earmarked in the Waste Water budget that can only be used for this purpose. And of course, our fellow member user communities are paying their fair share for this vehicle. I've asked for the emergency status to be placed on this simply so that we can get an order in guaranteed at the current price on the State Cooperative Purchasing Program. I don't think the prices are going to go up as of January 1, but I just wanted to be able to lock this in so that I wouldn't have to come back for more money after the fact.

President Sustarsic – Sounds good to me. Any other questions or comments from Council?

Councilman Sustarsic – Will this vehicle going to be used to plow the auxiliary lot for the Senior Center that's on top of the Waste Water Treatment Plant there?

Director Gulich – The current arrangement is not to use that, but it will be available if necessary. The arrangement with the new Senior Center is that Mr. Valencic's people in our Building Maintenance will be handling all of that area over there.

Councilman Sustarsic – Okay, thank you.

President Sustarsic – Any other questions or comments?

Councilman Delaney – Mr. Gulich, how many plows do we have at Waste Water Treatment?

Director Gulich – We have one there now. This vehicle will be replacing that vehicle. The vehicle will be taken out of service and putting into the 2005 auction.

Councilman Delaney – So this is just one to replace that?

Director Gulich – Yes.

Councilman Delaney – Thanks very much.

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

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

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

Ord. 223-2004 (265-04) Rec Commission Salary

An ordinance amending Section 9 (.1) (Compensation of Non-Described Positions) of Ordinance 193-2004, the Consolidated Compensation Ordinance. (Sponsored by Mayor Cervenik)

Councilwoman Hufnagle moved for passage; seconded by Councilwoman Holzheimer Gail.

Director Will – The next two pieces of legislation you have in front of you are regarding our Recreation Commission. I was going to give you a brief overall of the both pieces of legislation together. As you're aware, the Rec. Commission is made up of one Council member, one School Board member and three residents. As it stands now, the three residents receive a bi-weekly pay. The Commissioners main responsibility is to approve the fees for the various programming. Although we normally only do this once a year, unless there's a new program that's been introduced and fees need to be set.

The Commission is currently set up to meet the fourth Thursday, excuse me, fourth Tuesday of each month. Although due to the demands of the staff during the evening and pending decisions that the Commission need to make, the meetings are typically only held 8 times a year and sometimes 20 minutes in length. During our budget discussions with all the Recreation Commission members, it was the Recreation Commission members that came up with the suggestion of reducing the number of Commission meetings and reducing their salaries.

The first piece of legislation you have in front of you is to pay the resident members at a rate of \$50 a meeting rather than a bi-weekly rate. The second piece of legislation is for the procedures for calling a Recreation Commission meeting. Again, currently we're scheduled to meet once a month. The new legislation would call for at least two meetings annually and that the Director of Parks and Recreation and/or the Mayor would have the authorization to call another meeting. Each of our meetings will be advertised for the public to attend.

For the public's knowledge our next meeting is scheduled for Tuesday, January 25th at 7 o'clock. I'd also like to take this time to thank our members for recommending this. Again, it was the Recreation Commission members that recommended that this be put in front of Council. Our Commission members are Councilman Hugh Daly, School Board member Carol Bechtel and our three residents are Marie Graf, Kandace Jones and Jackie Byrne. Again, thank you for your suggestion and I look for your approval this evening on these two pieces of legislation.

Council Minutes

December 20, 2004

Page 26

President Sustarsic – Thank you and I think you could well expression all of our intentions, too, of appreciation for what they did in working in cooperation with the City and to helping us in tough times. Any other comments or questions?

Councilman Daly – I would like to add that the vote was unanimous to make the changes. The Recreation Commission has undergone a transformation. Years ago it was its own entity, separate from the City and from the School Board. And it was absorbed and a lot of the duties were changed. I think this does make a lot of sense. The members of the Commission are interested, mainly, in the recreational opportunities for the people of the City of Euclid and that's the main requirement for sitting on the Board.

It was asked, you know, has thought been given to the other Commissions and if you review the other Commissions the City has, Planning & Zoning, Architectural Review Board and the Civil Service. Those commissions take expertise in certain areas. And as we've seen, actions taken by those Boards can lead to legal action. So having qualified, quality people I would be against changing, you know, the other three commissions. But this Commission here with the changes that have occurred and with the duties there, that entail I think both of these changes make a lot of sense. And again, I'd like to thank the three citizen members who are still, even with these changes, very interested in continuing their service. Thank you.

Councilwoman Mancuso – Could you clarify for me again all five members get paid or three citizen members get paid.

Director Will – Currently, the three residents are the only ones that receive the income.

Councilwoman Mancuso – Thank you. My second question, our Cable Commission or our Charter Review Commission, are these true commissions or just any of these that we look at different components?

Director Frey – The Charter Review Committee that's appointed only on a periodic basis so it's appointed new each time it's to meet. I believe the Mayor makes the appointments to the Charter Review. I'm not sure what other group you were asking about.

Councilman Mancuso – And is that a paid committee?

Director Frey – There is a stipend for them. I'm not sure what exactly that amount is, but I can look quickly.

Councilwoman Mancuso – And the Cable Commission, Cable Commission also.

Mayor Cervenik – According to the legislation for Cable Commission there's no compensation to any of those members, no. And again, they don't meet on a regular basis.

Councilwoman Mancuso – Do we have any others other than Councilman Daly was speaking of?

Mayor Cervenik – Landmark Commission, Shade Tree Commission.

Councilwoman Mancuso – Are those paid at all?

Mayor Cervenik – No.

Councilman Mancuso – Those are all volunteers?

Mayor Cervenik – All volunteers.

Councilwoman Mancuso – So the only paid are P & Z, Architectural Review, our Rec. Commission and Civil Service and a stipend for our Charter Review Committee.

Mayor Cervenik – Right.

Councilwoman Mancuso – Period.

Mayor Cervenik – Yes.

Councilwoman Mancuso – Thank you.

Mayor Cervenik – You're welcome.

Councilman Daly – The other Commission that you mentioned are the ones that are specifically in the Charter and the stipend was \$25 a meeting a month during the last Charter Review Commission. Thanks.

Councilman Gruber – I'd like to commend the Commission members for taking this step and it's really refreshing and they're to be commended. Thank you.

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

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

Ord. 224-2004 (266-04) Rec Commission Meetings

An ordinance to amend Chapter 181 (Recreation Commission) of the Codified Ordinances of the City of Euclid by the creation of Section 181.07, to establish procedures for the calling of Recreation Commission meetings. (Sponsored by Mayor Cervenik)

Councilman Daly moved for passage; seconded by Councilman Delaney.

President Sustarsic – And again, as mentioned, there are similar comments and this was covered early on.

Councilman Sustarsic 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. 225-2004 (259-04) Hunger Center - Waived Fee

An emergency ordinance authorizing the Director of Parks and Recreation of the City of Euclid to enter into a lease agreement for the year 2005, at a continued waived rental fee, with the Euclid Hunger Task Force for space located at Shore Cultural Centre. (Sponsored by entire Council by request of Parks & Recreation Director)

Councilman Delaney moved for passage; seconded by Councilwoman Mancuso.

Director Will – First of all, I'd like to take this opportunity to thank the many, many volunteers who are associated with the Hunger Center. They all do a great job. It's wonderful to see that there are so many people that are still dedicated and willing to help people. Any given Wednesday or Saturday at Shore Cultural Centre it's wonderful to see all the people that are receiving the food and the smiles on the faces and how appreciated they are of this service.

But I'd also like to remind the residents that this is the time of the year that everyone seems to be in the giving mood. Please keep the Hunger Center in mind throughout the year. They accept donations throughout the entire year. Again, I'd like to ask City Council this time for their approval to continue to waive the rental fees for the Euclid Hunger Center. Thank you.

President Sustarsic – Thank you and words well spoken that usually when we think of the holidays towards the end of the year that is the season for giving and to take care of each other, but it's a 24/7, 12 month operation. Unfortunately, the economy is such that people do need this service more so than ever and we're very gratified to those people that take on that task and run this operation. Any comments or questions?

Councilwoman Mancuso – I think I would like to add the entire Council's names to this ordinance. I think we all would most eagerly approve of this legislation.

President Sustarsic – I see no problem with that. Any other comments or questions?

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

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

Passed.

Ord. 226-2004 (260-04) Shore Sq. Ft. Rate Increase

An ordinance amending Ordinance No. 230-2003, to establish an increase in square footage rates for the rental of space at Shore Cultural Centre for the year 2005 and to extend the current rates for a one-month period, through January 31, 2005. (Sponsored by Councilman Daly by request of the Parks & Recreation Director)

Councilman Daly moved for passage; seconded by Councilman Delaney.

Director Will – I must first start out by stating there has not been a major significant increase for the tenants at Shore Cultural Centre for many years. The percentages have been basically 5% for profit, I'm sorry, 5% for non-profit and 8% for profit. Also, all the current tenants, which there are 13, have been working on a year lease, again, many without difference. There has not been one permanent tenant that was on a month-to-month lease for the year 2004.

During my proposed budgets to City Council, I stated that there would be 50% increases for the permanent tenants as it looked like the deficit for 2004 was going to be approximately 150,000. Since that time I have met many times with the Shore Cultural Centre Board of Trustees and twice with the tenants of Shore and have tried to listen to all of their concerns.

During the past month Mayor Cervenik asked me to save an additional 50,000 from Shore. Again, a lot of thought's been put into this with discussion with the Board, the tenants and the Mayor. I appreciate the time and effort everyone has given to me in making this decision.

I most recently met with Mayor Cervenik last week and we tried to really look at my job position looking at a lot of the time that's allocated to the Rec. Department to the Golf Course and to Shore. We felt that the majority of my time was being spent between the Recreation and the Golf Course and at that time we decided to compromise and come up with a way we could help. And the portion of my salary that's currently being charged to Shore Cultural Centre, which is the General Fund, will be taken out of the Shore budget for 2005. By doing this, we were able to reduce the increases to the tenants.

With this said it's my recommendation to decrease my original proposed increase of 50% to 15%. This increase with the current projected 11 tenants for 2005 would bring in an additional \$14,000. The other additional amount would come from my next piece of legislation. I appreciate Mr. Hilf's comments and concerns. I also wanted to address briefly Mrs. Tekieli's concerns about some of the items in the building.

Our first item that we're going to be looking at is the Shore Cultural Centre Corporation non-profit Board has an office and so does the City. Today we decided to put those two offices together. We feel that having both the staff members in the same office in the main office in Room 141 will make it easier for situations that come about at Shore and that we can work together for the future of Shore Cultural Centre. We'll continue to address some other concerns with Mrs. Tekieli and, again, I appreciate that. I appreciate Council's approval on this 15% increase. If you have any questions, I'd be glad to answer them at this time.

Councilwoman Mancuso – Could you address for me, Ms. Will, some of Ms. Tekieli's concerns? How we plan to address some of the pretty concrete issues that she had. I don't mean concrete literally, sorry.

Director Will – Some of the ideas, some of the problems have already been addressed. In the past it's been where we've had to contract some of the work out and the City just didn't have the funds to do that. With the assistance of the Public Service Director and Building Maintenance, they'll be able to address some of the issues in house.

As far as some of the issues go with the Maintenance staff, it's just a matter of putting together and getting some assistance from my staff to assist me over there and working with the Maintenance a little bit better and watching them closer.

Councilwoman Mancuso – Thank you.

Councilwoman Holzheimer Gail – Director Will, thank you for working with both the Shore Board and the tenants in this matter. It seems to be a fairly effective compromise. My one question is in the first WHEREAS. It states that the square footage rates are effective through December 31, 2003, is that a typo or have we not had rates for this year? Should that be 2004?

Director Will – What are intentions are right now the leases will be extended through January 31, 2005. At that time all the tenants will be getting new leases that will be effective from February 1, 2005 through December 31, 2005.

Councilwoman Holzheimer Gail – I believe that December 31, 2003 should be the end of this year, which is 2004.

Director Will – Correct.

Councilwoman Holzheimer Gail – So I don't know if that needs to be amended officially or...

President Sustarsic – Being as it's a typo I don't think so. Mr. Law Director?

Director Frey – I see in the draft of this piece that we did have poorly scratched on here 2004 and it did not get typed appropriately. It was the intent of this that the, we're amending those rates that are effective through December 31, 2004. I will make the note, the correction on the piece that will get signed.

Councilman Delaney – I would really like to know if the Administration by raising the rent you're, regardless whether it was raised in the past or not, this is still systematically tripling the non-profit and doubling the for profit. What kind of commitment can the people, not just permanent tenants, but the people who use this building, what can they get from the Administration? You did say that you'd continue to work, but the maintenance of the building is, is, is very much non-existent. Can we get a commitment for, for the windows? Can we get a commitment for the roof? That's only going to save us money on utilities. Those are things that can be done in house.

Director Will – Currently, the tenants are going to get the service that they've been getting along with now having a better working relationship with the office staff and being able to get to them quicker.

As far as any of the capital improvements, there are no funds set aside currently for Shore Cultural Centre to do any of the repairs for any of the windows or a new and/or replacing of the roof.

Councilman Delaney – I asked for a maintenance schedule. That's not capital improvement money that is somehow repairs get done. Bathrooms are functional. There's a lot of things that, that are left undone that just need to be fixed that don't get fixed. Holes in the wall shouldn't be there for years.

Director Will – As I had stated before, there are, I don't have a list of a maintenance thing schedule going on right now, but I have had the assistance of the Building Maintenance coming over and trying to work with us on some of those issues. But I'm not currently aware of any non-functional restroom or any windows that are broken. If they are, we address them on an as needed a basis right now.

Councilman Delaney – Well, sashes need to be secured. The window may not be broken out, but they certainly need attention. I don't think they need to be replaced. I think they need to be fixed. I think some things need a coat of paint. I think there's areas of the roof that can be fixed. These are the kind of commitments that I think that they're after. This is not big bucks. These are, these are items that should be taken care of. There should be a regular schedule around that building just to make sure that it's sealed and safe. We're letting money go out the door by not doing this. Our electric bills, our heat bills will always be higher than they should be by not maintaining this building. That's what I'm after. We cannot arbitrarily throw out and say I need to meet this goal and expect that then, okay, we're getting our budget in check. There has to be

something done as far as the maintenance schedule to make sure that the people who go there every day, day in and day out, are taken care of.

Director Will – I, again, we do work on the building as far as making it safe. There are, there are bigger issues in that building. Everyone here knows that. There's just not enough money on that the City has right now to take care of them. As far as maintaining things, we do look at the windows. We do look at the roof. We've had issues with the roof that we've had to have replaced. We can find money and put them into the roof. Put them into different situations that have happened in the auditorium. So I feel right now that the Administration has been putting money into doing the best they can with maintaining it with the monies that we currently have.

Councilman Delaney – Well, I would be more supportive of this ordinance, it may not come as a surprise, but I'm disappointed that I haven't heard more about what could actually functionally be done. These are things that need to be taken care of that have gone on for years and the building needs attention. It doesn't need a full scale change. There is a very good study on the roof that shows where repairs need to be made. A lot of the damage that's shown is directly translated into the repairs that need to be done. With the freeze in the winter and the thawing and the heat of the summer that causes plaster to contract and to expand and a lot of the damage we see on the walls is directly because of maybe one repair could fix three floors. So these are the things that need to happen. They need to come from us and they need to be taken care of.

Councilman Gruber – I can feel my Council colleague's compassion for the building and I think we all know that every City building we have needs a lot of work. I was a little concerned with some of Mrs. Tekieli's comments about the security of the building. Some, maybe unwanted intruders in the building or people roaming the halls or other types of security issues that could endanger the tenants, I know we have children in the building and other tenants. I'd like to see those addressed also as soon, as quickly as possible. I have heard rumors that there are people that sleep in there at night. I don't know if that's true or not; but if there are situations that we've heard of, I'm sure you're aware and you're on them. They probably are sporadic, but we do need to make sure that our, our folks in those buildings are safe at all times. So just keep that in mind, maybe a security systems or some type of extra effort, if you would. Thank you.

Director Will – Councilman Gruber, if I can just add to that as far as the comments from Ms. Tekieli, especially in this weather, the staff there knows and anybody that utilizes that building if they are to find someone in the building that does not belong there, they're to notify the Euclid Police and they are there immediately to handle the situation. We've been, three calls in 2004 that were made because of a homeless person, but three calls for the entire year. If there's other situations, it's not anything that's being reported to myself or to the Euclid Police. Then again, I have to reiterate if there's something going on in the building, they need to make sure they contact the Euclid Police. Thank you.

Councilman Gruber – Right, I would encourage all the tenants, too, to be aware of that and maybe you could put out some type of information call immediately because I know the Chief does a wonderful job over there.

Chief Maine – Thank you.

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

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

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

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

Passed.

Ord. 227-2004 (261-04) Room Rental Prices Shore

An ordinance amending Ordinance No. 125-2000, establishing rental prices for various rooms at Shore Cultural Centre. (Sponsored by Councilman Daly by request of the Parks & Recreation Director)

Councilman Daly moved for passage; seconded by Councilman Sustarsic.

President Sustarsic – Ms. Will, I would imagine the majority of the comments would be similar, but you may have the floor.

Director Will – It seems like every year we bring forward to City Council the recommendation of increases for the permanent tenants. The records indicate that it's been at least 5 years since there's been changes made with some of the existing rooms, as far as meeting rooms, community rooms, gymnasiums, auditorium, etc. fees go. In order to make it fair for the tenants that are utilizing the building, the people that come in and use the facility on a day-to-day basis there is an increase. There increases are approximately 25%. I will just highlight which ones are changes. For the meeting rooms, they are being increased \$10. The community room is being increased \$5/hour. We also added an additional rate for non-residents. If someone's coming in and utilizing the building, we have doubled the rate for a non-resident. The gymnasium rental there'd be an increase of \$10/hour. And then we do have a minimum of 12 weeks if you're going to be using it for at least 12 weeks, there is an increase of \$5. There are no changes with the auditorium. No changes with the security deposit or anything else that is on that page. If you have any questions, I'd be glad to answer them.

Councilman Langman – This piece of legislation and the prior piece, is this part of the overall plan of a way to refurbish the building or is this? It seems like we're on two tracks, I mean, either we're going to take a drastic different direction with the building or we're going to try to move along on the current track. So Mayor, if you can sort of harmonize the two positions, I would appreciate it.

Mayor Cervenik – On January 24th, there will be scheduled, and you'll be receiving notification shortly, of the development group that wants to convert 2/3 of the Shore building into for sale condominiums and refurbish the west wing.

Even if Council approves that, it will still take 'til close to the end of 2005 before their construction would start 'cause they have to go through the development/planning stage. They expect that to take 6 months. If they have your go ahead, what they would be doing is meeting with engineers. Going through the building and at the same time meeting with the Shore Board, members of City Council and the City to plan out what we need in that west wing to further the cultural activities of the building.

In the meantime, as you all know through budget hearings and it's the last piece of legislation tonight, we needed to either raise revenue or reduce expenses. And I think in working with Director Will, we were able to do that on this budget I think. We seriously were talking 50% increases and we found a way to make it a reasonable 15.

We will address, you know, the question was raised about the maintenance. We will address any emergency maintenance problems we have this year as we have in the past. We, I hope with cooperation from the Shore Board and Council and others that we can convert that building into something where we don't worry about these things any more because they're taken care of. We have a cultural wing in that building that's very manageable. We don't worry about the roof leaking any more and the windows falling out.

So, yes, there's two different tracks; but because of the timeline and our budget constraints, that's why these two pieces of legislation are on there. And I can speak for both of them but even more so the one we're on now, 261-04, because our rates for the gymnasium and that are right in line with everyone else that's renting out gymnasiums and office space. And residents always have the option of going to the library, if they can schedule it. The library rents their rooms, they don't rent their rooms out; they allow people to use them for free. And we strongly encourage that. So, you know, that's why we're doing this. We're helping out the 2005 budget and looking to really do something with that building.

Councilman Langman – Well, this piece I'm for because the burden on the tenants, the permanent tenants is probably a little too much, any type of increase; but this one here, Director Will, do you foresee any reduction in the use of the rooms because of the fee increase?

Director Will – As far as the one in front of you or the prior one, it is hard to say. I've heard a lot of rumor; I've heard talk. Again, I tried to contact a lot of the tenants with my new recommendation that would be going to City Council.

What will happen is tomorrow I will send out notifications to all of our permanent tenants, any long-term contracts that we have with their new fee. I will ask them to please sign this and what their intentions would be for 2005. Some of the predictions that I gave with the increases did include not having some of those people come back because I anticipated that, although I have nothing in writing. So I feel right now with the predictions that I gave you for increases that will cover even some of the people not coming back. But I hope that everybody will return and everybody seemed to be favorable and we're going to try to all work together and make, try to work with the future of Shore building.

Councilman Langman – Have you talked about the leagues and the groups that you use the rooms as opposed to the tenants?

Director Will – Both of them, both of them.

Councilman Langman – Okay, thank you.

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

Councilman Delaney – I'd just like to add that on this piece of legislation I would agree with. The increases are modest and in line and just to clarify my yes vote.

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

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

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

Ord. 228-2004 (243-04) Residency Requirement

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) (Recommended for passage by the Executive Committee)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Frey – This piece was presented to Council, sent to Executive Committee, recommended for passage back to full Council so it's back here tonight. At the Committee meeting there was an inquiry made, two-fold inquiry, one was whether the City could, in fact, enforce residency requirements under the law of the State of Ohio; and secondly, what do our neighboring communities do?

As to the first part, the answer is yes. Home rule communities through the charter, at least at this point, are permitted to establish residency and maintain residency requirements. There is a pending piece of legislation, HB114 that the last activity shows on that was in July. I suspect now with the Legislature having adjourned that that dies at the end of that term so it would have to be reintroduced. That piece of legislation would have prohibited charter communities from establishing any kind of residency requirements. So that move in the House to remove that ability for local charter communities did not succeed, at least in this term. I don't know whether it will be reintroduced to the Ohio House in the new session.

We sent a survey through Rosanne Evangelista. I e-mailed you copies of that. I hope you were able to open her response. There were, I believe, 7 communities that responded, the city of Akron, cities of Beachwood, Berea, Brunswick, North Olmsted, Pepper Pike and Shaker Heights. Several of those communities do, in fact, have residency requirements. The City of Akron, I know, the City of Cleveland, the City of Dayton maintain residency requirements. Beachwood, interestingly enough, has a provision that must be newer than the others that requires union

safety forces to live within the city. Berea limits their requirements to directors; Brunswick to the Council Clerk and City Manager. The other communities that responded to that survey North Olmsted, Pepper Pike, Shaker Heights do not have residency requirements of any type.

Council Clerk was able to receive results from other communities and I believe she's provided that list to you. Again, there is an extensive list. Cleveland Heights does not with the exception of directors. And I think you had the opportunity to look at some of those so I would say generally one could conclude that larger, urban communities are more likely to have residency requirements than the suburban communities are and I think the survey of the communities within Cuyahoga County or our region would suggest strongly that residency requirements do not exist in most communities. So that's the report on the surveys that were done in connection with the requests from the Executive Committee meeting.

As we talked about that night, this would apply only, at this point in time, to non-union employees. As a result of the collective bargaining agreements, union employees have a period of time within which they must move to the City if they are not residents at the time of hire or and then must maintain residency for a period of time before, under their collective bargaining agreements, they are entitled to move out.

There was much discussion about the number of employees who have remained within the City in safety forces, the streets and sewers, a good number of those employees have, in fact, chosen to remain within the City even though they would have rights to move out after, I believe, in most cases it's 8 years. That is a bargained for situation that exists right now in the collective bargaining agreements with the various unions. I would anticipate if Council were to approve this ordinance tonight, that that would be one of the subjects in the collective bargaining process and, as Council is well aware, that process is a give and take. And if the City were to relinquish the requirement for residency through the bargaining process, we would anticipate that there would be some responsive item there that we would be able to bargain in exchange. So this would immediately impact or on its effective date would impact only the non-union employees. And as it's written would cover all non-elected, non-union employees in the City. Be glad to try to answer questions.

Councilman Sustarsic – I just, it's a win-win for employees. They can have the choice, if they so desire, to do it. That would make them happy. I think a lot of them would probably still remain in the City of Euclid. I mean, I know as a former employee and living here I didn't want to go anywhere else. But it's a win-win, too, for the Administration as well. We heard from Mr. Johnson they've got several key positions open for tax collection and we really need some, we just need the best for that. I mean, it's going to bring revenue into our City and I think we should settle for anything less.

President Sustarsic – If I can add to that, I think there's no better example than our Safety Forces as well as in the Service Department and others that there is no hesitancy to have the same dedication and loyalty to the performance of their duties in the City of Euclid. It's that type of thing again where it just gives them a little bit more leeway, a little more freedom as to where they can live. Extensive research in the past has shown that there is not a massive exodus by any means from any community that does not have residency requirements. And so consequently, I would strongly urge passage of this and again, I believe as it's been said time and again it'll just widen the pool of qualified individuals that we can bring into the City of Euclid to work for the City of Euclid. And at the same time expose them to the services, the opportunities that we do have in this City of Euclid and become a stronger community for it. Any other comments?

Councilman Langman – Law Director Frey, I don't know if you investigated this or the Administration, but I was curious as to any potential economic impact with hiring residency requirements. The strength of neighborhoods with their dollars and their presence.

Director Frey – I'm not able to answer that question at all. I have no information either from my review of this municipally presentation or any of the information I've seen addresses the impact on that at all. I apologize that I can't give you any kind of a feedback on that.

Councilman Langman – Well, I did take the liberty of talking to Professor Tom Barn from Cleveland State, who's an expert on urban planning on communities and his opinion was that for a community like Cleveland that has a residency requirement there are certain concentrations, particularly the safety forces in certain neighborhoods that do strengthen those neighborhoods. However, he did mention that for a community like Euclid it would have relatively no effect on the local economy of either the neighborhood or the City in general. So it's not that I was

Council Minutes
December 20, 2004
Page 34

terribly surprised but it was nice to hear from somebody that has a certain amount of expertise in the field.

Councilwoman Holzheimer Gail – We also received an e-mail asking about the economic impact from a tax basis and I did see, Director Johnson, your response back to him. But would you explain that response? The question was the employee who's working in Euclid and paying 2.85 in income tax, but perhaps living in Mayfield and who's community is 1.5.

Director Johnson – In that particular resident's question, as Councilwoman Holzheimer Gail said, the question was a City of Euclid employee who paid the 2.85% and worked in the City of Euclid and lived in Mayfield Village. Mayfield Village rate is 1.5%. That person would not pay any additional tax because Mayfield Village allows 100% credit for any tax that their residents pay to any other cities. So there was a misconception on the part of this resident that some how they would be due a refund. They would not be due a refund. You pay the 2.85 where you work and then if there is any additional that you would owe your resident city, you would pay that amount in addition. But because Mayfield Village is, gives 100% credit and because they are at 1.5%, which is much less than the 2.85 that they pay, they would not owe any additional nor would they be entitled to a refund.

Councilwoman Holzheimer Gail – So there's net loss.

Director Johnson – There is no net loss to the City of Euclid.

Councilwoman Mancuso – Finance Director, do we know approximately across the board give 100% versus 50 maybe per cent?

Director Johnson – Yes, we do. I don't have that list in front of me. I would say approximately half of the cities give less than 100% in credit.

Councilwoman Mancuso – Less than 100%.

Director Johnson – At least half.

Councilwoman Mancuso – So they would be paying the city where they work and they would be paying the city where they live.

Director Johnson - That's correct.

Councilwoman Mancuso – An additional whatever that amount is. They pay us 2.85?

Director Johnson – That's correct.

Councilwoman Mancuso – And they would also pay their city point whatever that was above and beyond that?

Director Johnson – And on the other hand, if a resident lived in Willowick, I believe Willowick only gives 50% and they worked in the City of Cleveland, they would pay the City of Cleveland 2% and they would be paying Willowick the additional 1%. So they pay 3% if they lived in Willowick and worked in Cleveland.

Councilwoman Mancuso – Okay, thank you.

Councilman Langman – Director Johnson, so just one more example of how to illustrate it because I've gotten a lot of calls about this in the past 2 weeks. Parma just raised their income tax to 3%, is that correct? Is that what you recall?

Director Johnson – I believe it was Parma Heights.

Councilman Langman – Parma Heights? So if you live in Euclid and work in Parma Heights, you would pay 3% to Parma Heights, is that correct?

Director Johnson – That's correct.

Councilman Langman – And we would give the 100% credit of the 2.85 being a resident of the City. So that person would owe .15 additional to Parma Heights. Yes? No?

Director Johnson – They would have already paid it because it's withheld from their paycheck so they would have already paid it. In essence they would have been paying in excess of 5%, yes.

Councilman Langman – Okay. Thank you.

President Sustarsic – Any other questions or comments?

Councilman Delaney – How many positions does this, excuse me, I missed the Committee meeting and if any of my questions are redundant, forgive me. But how many positions in the City does this ordinance affect?

Director Johnson – Approximately 100 to 140.

Councilman Delaney – We don't know if it's 100 or 140 or?

Mayor Cervenik – It's 140.

Councilman Delaney – And...

Mayor Cervenik – It's 140, but we don't have a list right in front of us how many of those 140 do not live in the community already. But we have approximately 140 non-union workers.

Councilman Delaney – Because I'm interested in the impact to the General Fund because there will be an impact.

Mayor Cervenik – There will be no impact to the General Fund whatsoever. Each and every employees that work here regardless of where they live pay the 2.85% of our income tax to the City of Euclid. That will not change. Our payroll does not change when someone moves.

Councilman Delaney – So the scenario reversed to Parma Heights. If you lived in Parma Heights where there is no credit...

Mayor Cervenik – That's...

Councilman Delaney – They would have to pay the 2.85 to Euclid and the 3.0 to Parma Heights, both cities?

Mayor Cervenik – That's, they pay the 2.85 to us, yes. And depending on whether Parma Heights gives them a credit or not, I'm not sure. They're going to 3%. If they went to 3%, I believe Parma Heights allows full credit to anyone else. So they would pay 2.85 to us and nothing to Parma Heights. If a resident of ours moved to Cleveland, they would pay 2.85 to Euclid and 1% to Cleveland. Cleveland only gives you credit for 1% of what you paid to another community. But for our General Fund, there is no impact whatsoever.

Councilman Delaney – Okay, good. I generally agree with residency, but I think they all come on a case-by-case basis; but I'm curious. Key positions that are open and I think Councilman Sustarsic alluded to that. There's a, people that will be in the new Tax Collection Department that you want to hire and we're having trouble getting them to move into the City, is that the impression I'm under?

Mayor Cervenik – That's not the impression at all. We are going out to hire for new positions. We do not want to eliminate people for the sake of where they live and the residency, some people are just not willing, not because it's Euclid, not because it's anywhere else. They're just not willing to uproot and move their family from their church and their parish or wherever they may be. When you, so if you have a residency requirement where most other cities do not, that does put us at somewhat a disadvantage. As I stated at the Committee meeting that if I have two qualified candidates and one of them lives in Euclid and one does not, there's no question. I'm

hiring the candidate that lives in the City of Euclid. No doubt about it. But I don't want to be limited. I don't think anybody in Administration wants to be limited to that if you see fit.

Councilman Delaney – That's, that's understandable. Sure, absolutely, I agree with that. But we did change residency on a case-by-case basis. I believe that we had an employee in the Law Department that had a problem after being married with residency and we passed legislation as such. We did it when the Warden wanted to control the overtime budget with the jail, the part-time employees, we lifted the residency requirement. So we are able to change the law on a case-by-case basis and widen the pool for qualified individuals, are we to expect that there is going to be an overhaul of City Hall? Is there going to be more mass hirings? Because the timing of this, you know, you can have concern. If we have hiring freeze, but we are hiring. I'm a little confused. So are we to expect bigger changes down the line?

Mayor Cervenik – We have presented to you during budget hearings the positions that we are going to hire. We also be hire, as people leave and retire, if that position is a position that must be filled, we will fill that position. I believe we had 9 retirements, we'll have 9 retirements by the end of the year, 6 of those will probably be filled. The new positions, there's 4 positions that are in the Tax Department. They were presented to you at the budget and other than that there's no plans to do anything else.

The process of individually handling residency is one of the reasons I support just eliminating it completely. People's lifestyles change; things happen. There's divorces. Joint custody of children, one of the spouses move away makes a life very, very difficult. We're not all lucky as I was to be married for 30 years to the same woman. It doesn't always happen. Those are important things to employees and it directly affects the way they work, how they work and it, these case-by-case scenarios just really aren't, they don't help matters at all in the long run. So that's just another reason why we support this legislation.

President Sustarsic – Any other comments, questions?

Councilman Daly – I'd like to echo those comments on the case-by-case basis. It seems that's when you can get yourself, as an employer, in a liability situation versus having a blanket rule for all employees. Back to the credit for taxes paid to another city, back during the budget hearings I did hand out a list of other cities that showed the credit given. Most do cap it, they may have different percentages; but most cap at 1% of taxes paid to another city and I think that is another issue this Council should look at because more and more communities are raising their income tax rates. And that money is just eliminated from our budget with no offsetting reduction in expenses. So we would talk with Cleveland looking at raising their rates, that's something, some type of cap, I think, makes sense. So just for that example, the person that lives in Euclid and works in Parma Heights no longer pays any income taxes towards police, fire, ambulance, snow removal, leaf pickup, garbage and, you know, as more and more communities are doing it, it's going to, I think, drastically affect our budget. Thank you.

President Sustarsic – Thank you. Any other questions or comments?

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

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

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

Passed.

Ord. 229-2004 (264-04) 2005 Annual Appropriation

An emergency ordinance which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2005. (Sponsored by Mayor Cervenik and all members of Council by request of the Finance Director)

Councilman Gruber moved for passage; seconded by Councilman Sustarsic.

Director Johnson – The ordinance that's in front of you tonight is the culmination of a series of meetings that we've had. We conducted our budget hearings October 25th, 26th, and 27th and

completed those. There was a list of suggested changes to the initial budget that was presented that was submitted by the Mayor. On December 13th we had a follow-up meeting to incorporate and to hand out to you the budget booklet that reflected those changes. In the meantime we also tried to allow a period of time for reflection by all members of Council so that if there was any change that Council desired to make that there would be ample time to do that. We did meet again on the 13th, as I said, and there were some additional changes that were presented to you by Director Pietravoia. Tonight Council has acted on those changes. One that would be to increase the fees for pre-sale inspections so that we would be able to hire the additional inspectors that we all recognize as being needed. So that particular addition of those two additional staff people is revenue neutral. We ensured that the revenue that would compensate or offset those costs would be included in this budget. We worked very hard on this budget. It does reflect a very small projected cash fund balance as a carryover. And we are looking forward to meeting some of these revenue projections. And if there's any questions, one of the things we did pass out tonight were the additional 2 or 3 sheets in the budget booklet that would reflect those housing inspectors and the additional revenues from the pre-sale inspections. And if there are any other questions, I'd be glad to answer them.

Councilman Langman – Director Johnson, are we still on course as far as the revenue projections from the tax delinquency program? Are we going to hit the amount, the 1.4 million?

Director Johnson – We're still, we're still going to give that a try, yes.

Councilman Langman – Well, I hope you do more than just give it a try.

Director Johnson – Well, we're going to do the best we can to try to collect that.

Mayor Cervenik – We will succeed in reaching that 1.4 million. We'll be there. We must do it in order to balance the budget that needs to be done. I think when this year is up you will see some of the efforts already by just the one fulltime person we have with those collection efforts. It's like a revolving door right now, 5 days a week. And people are bringing in checks. So yes, we will meet those projections.

Councilman Langman – Is that the, is the 1.4 is that the total outstanding delinquencies or is that a percentage of...

Mayor Cervenik – CCA gave us a, I'll call it a red book because that's what it was, with a total of \$4.2 million in known delinquencies, which includes tax, penalties and interest. Of that, about \$300,000 is deemed uncollectible due to bankruptcies, but we still felt that 1.4, which at the time before we found out about the bankruptcies was about 25%. In addition to that, besides the 4.2 million, they sent out 6100 notices to individuals for familiar to file income tax returns. And I am quite sure that we are going to pick up a good portion of those monies. So I'm really more than confident that we will exceed on that 1.4 million. I get this guy next to me a little nervous when I say that, but I know it can be done. From being in the tax business as a CPA through the years, I know it can be done. And the 6100, I believe, of the first 400 or so of the 6100 delinquent letters that went out, they're estimating \$300,000 from them. Just, that's, those are not included in the 4.2. So that's why we're getting very aggressive on it and that's why we're talking about collecting our own taxes for the 2006 season because we can do, you know, if we've got an office, we can do a good job. I've talked with other communities where they collect their own now and they have a lot of flexibility. Instead of delinquent letters going out one and two years later, we can send out delinquency letters in August of that year after the Federal filing deadline.

Councilman Langman – Well, I don't want you or Director Johnson to perhaps get in fisticuffs over this, but...

Mayor Cervenik – We work very well together. It's...

Director Johnson – I tend to be a little more conservative, but I think that it is something that we can do. It's a real challenge because it's a new venture. Even in terms of staffing of the department, we're taking a stab at it by estimating that we only need 6 people. I understand that the City of Lakewood is actually pulling away from RITA and they are going to go full blown with their collection. They are staffing up their office now and they're talking about hiring 11

Council Minutes

December 20, 2004

Page 38

people and they hope that they have enough people. So there are a number of ifs. We're hoping that 6 people is enough people to do that. And so we're trying, we're going to start gradually. Work on the delinquency see how that goes for a year. And if it goes as we expect, we, we think that we'll do well.

Councilman Langman – Well, you understand my concern. It sounds somewhat speculative at this point. I know Mayor, you have every confidence in it. Director Johnson less so. We don't seem to have much room for error on both side in case we have difficulty in training, software applications or getting up to speed at the appropriate time. I think that should be built into the calculation in the 1.4 million. I'm also concerned that, I don't know if you've done this yet, have we approached our bargaining units about reopening their current contracts or perhaps concessions on the wage because 4% I don't think we can afford it this year either.

Mayor Cervenik – I have sent a letter to each of the bargaining units both their business agent as well as the employee representative recommending that they come in about reopening. I asked them to at least reopening their contract to install the same contributions and co-pays that the non-union healthcare. I met with Local 337 last Tuesday. They're, I put in a call to their union president this afternoon so that we can meet again this week. So yes, we have done that and we have a good possibility of having some meetings of the mind there. Yes. So that's been done also.

Case in point about the collections and my confidence. A little while ago back in August or September we weren't even at 50% of our ambulance billing collections. As of today, we're within \$4,000 of our projections because of the efforts put forth by our employees. I firmly expect us to actually exceed the ambulance billings. I most certainly would expect more than 4,000 to come in over the next 10 days or so. So yes, I have, I, he's got to be a little less confident than I am because he's got to balance. We're going to be okay. We're going to watch. I'm going to ask City Council to have at least 3 General Fund update meetings in 2005 so that we're all on the same page and we can identify those problem areas and find ways to rectify them.

Councilman Langman – Okay and finally, I do think and I'll say it again and we're not going to agree on it. We missed the boat on healthcare. We really did. If we're spending 4., was it 4.4 projected for this year? And we're doing things in a similar fashion, the new missed the opportunity, I think, to save substantial revenue. I don't understand why we didn't pursue that if we're looking at other options.

Now as far as the general update, Director Johnson, can we get a monthly update as to how we're doing on the budget cycle?

Director Johnson – Yes, you absolutely will. I tried to provide them this year every month and if...

Councilman Langman – No, no, you misunderstand. I'll go back to what Director Balazs did as far as a monthly budget update by department. Can we do that with this budget cycle?

Director Johnson – Yes, yes. If you would prefer to have more detail and you want it by department, I would be glad to provide that. Absolutely.

Councilman Langman – That would be helpful.

Director Johnson – Absolutely.

Councilman Langman – Because again, I was, I think we are really speculative on the revenue side and it does concern me. We need to find more ways to economize and I know it's difficult to go and reopen contracts that have been agreed to but I think that if we do realize those savings and we, let's say we exceed the Mayor's projections, then we have a better cushion going in the next round whether that's budget and with that, Mr. Chairman, thank you.

Councilman Daly – I, too, am very hopeful that that 1.4 million figure is reached and I do, I'm comforted that you did make history this year. It was said that the City of Euclid has never had a down month in January and February and then up for the year as far as income tax collections were concerned. You predicted that back in March, even though January and February were

down and those predictions came true. So hopefully, these predictions come through as well. Thank you.

President Sustarsic – Any other comments or questions?

Councilwoman Mancuso – Are we planning in the year 2005 to stay with the same software we're using for ambulance billing now, with this update?

Mayor Cervenik – With the changes that were made, I'm sorry, Mr. Chairman, we probably we won't. We will look at other software programs, but some modifications have been made. Virtually all the information, as I said at the last meeting, a lot of it is carried over from run-to-run. It's not, it's not the best in the world; but now that we do have the networking ability, it's getting the job done. But we will have to evaluate that.

Councilwoman Mancuso – And I had brought that up a good 6 months ago to the Director of Finance because he, it is very difficult and the software you're using is not meant for this. You take, please let me finish, to take employees who are doing other things and try to train them to do this and I know we have one person who is pretty adept at the software to train. And frankly, I feel that we continue to stay at this status quo level. This is good; we can do it; we're going to maintain and I really don't think we're going to see the benefits by just maintaining the status quo. We should have, 6 months ago, been looking at outsourcing or at least talking about outsourcing. You and I had a brief dialogue about it and why you hadn't done it in the past. And it hadn't had it work before and we do it better in house. We spent a lot; we spent 3 employees' time trying to catch up at the end of the year. And I will guarantee you, you are not going to receive all the revenue that you billed for because some of those cases are Medicare and they have been outstanding for a while. You will not receive all that revenue and we're expending a lot of energy to maintain the status quo. Only we need to be moving forward on things.

And I also agree we missed the boat on healthcare. I went through the minutes of last year's budget meetings where the Mayor promised by July we would be doing things that would be significantly different, significantly different. We're still at \$4.4 million. That's a lot of money and I don't need a response for that.

Director Johnson – I'd like to respond, Mr. Chairman. I'd like to clarify one thing. The ambulance billing software that was purchased was software that was in place when I came in to office. It was a situation that I inherited. The software was purchased in October, 2003 and I walked into the department in December of 2003. There was a learning curve involved on the part of the people that were actually trying to implement and use the software, which is why we got behind. So I think it should be clear that, and I understand that we don't get all the money that we bill, we never expected to get all the money that we bill. But we did budget to receive \$935,000 this year that \$935,000 was an integral part of our projected revenues and I'm pleased to announce that as of today we've collected 930,000 of that 935,000 so that's just the point that we wanted to make.

Councilwoman Mancuso – So imagine what we could do...

Director Johnson – Status quo, well, your, your comment about status quo, we just stabilized the situation so that we could collect a million dollars. Yes, at some point in time it does make sense to change the software. But those kinds of things come, you know, we're talking about buying, I'm going to be presenting to you legislation, hopefully, that you will allow me to purchase software to set up a tax office. We're hoping, also, this year to upgrade the financial system, which has received a lot of criticism in the past. So there's just so many things that we can do at one time and we hope that you will approve those.

President Sustarsic – Any other questions or comments?

Councilman Delaney – I was looking at our capital projects and I was disappointed to see that no money was allocated to the Euclid marina and then in this second one, that was the one in our packet. The second one that we received the Euclid marina was not even listed.

Council Minutes
December 20, 2004
Page 40

Director Johnson – I believe that fund is one of the funds that in Section, in Section 8 we listed as a fund that is no longer needed, is no longer being used. There are no funds in that fund and we're actually in Section 8 asking to abolish that fund.

Councilman Delaney – Has nothing to do with what we're doing with 242, the breakwall, the boardwalk, the public improvements?

Director Johnson – No, sir, that fund was created about 14 years ago. There was about \$100-200,000 that was borrowed to do various studies for a location for a marina. I believe Sims Park was one location that was being considered. The present site is being considered. There was several sites and there was and there were notes that were issued to pay for those studies and that's basically. All that money was exhausted. It was used and that was the whole reason for the fund being created.

Councilman Delaney – And the change in the ending balance for the Euclid Endowment, Bennington Hamlet and Clay Matthews property TIFs. In our packets they were all, had zero cash ending balance; but I see that in our update here that we received today there's a balance in those three.

Director Johnson – There's a balance, you're talking...

Councilman Delaney – In this projection.

Director Johnson – Okay, there's...

Councilman Delaney – That's a change. I just wanted an explanation.

Director Johnson – I'm not real sure. When you say there's a balance, what are you, what are you referring to what page?

Councilman Delaney – I'm looking at what was in my packet, Projected Summary for 2005. The capital project funds were all had a zero ending balance. And then the update you gave me, when I sat down tonight, has 62,000 in Euclid Endowment; 20,000 Bennington Hamlet; 32,000 Clay Matthews. So we're projecting an ending balance in those funds.

Director Johnson – Okay and we project it continuously...

Councilman Delaney – Should we expect a presentation on capital projects? We didn't have one last year. I'm wondering if we'll get one this year.

Director Johnson – Yes, we will, we will look at the capital project funds and evaluate whether we, in fact, whether it even makes sense to do a capital budget. I've asked the Mayor to not consider issuing any additional debt for 2005, preferably, not to issue any additional debt for 2006. That may not be realistic, but for 2005, absolutely, I've asked that we not issue any additional debt. So any capital budgets that are submitted or presented to Council will be just what we can do with either existing funds or money that exists in the Permanent Improvement Fund or Recreation Capital Fund or some of the existing capital project funds that are here.

Councilman Delaney – So there's no intention to use that money to pay down any more bonds? The 1.9 million bond retirement and then you're going to carry the balances in those. So there's no intention just to carry those balances to 2006, is that the intention?

Director Johnson – I'm not, I'm not following your line of questioning, Councilman Delaney.

Councilman Delaney – Are you intending to carry the money over in these capital project funds to 2006? So there's no intention of having any capital expenditures?

Mayor Cervenik – There will be very few capital expenditures due to our situation and most of those, as in the prior year, will be handled on a legislative basis. We will come forward to you as Director Johnson said now. We do need because it's no longer being maintained by the software program, our financial statement. During the budget hearings, I committed to you that we are going to make sure that each policeman and fireman has a working new replacement for their

handheld radios. There's very little else. We've got some outstanding lease payments that we have to make. There's not a whole lot left in that Permanent Improvement Fund to do. And we will give you a full breakdown of what we expect to do and what the balance would be. But there's very little to do. We're not going to borrow money to do streets and curbs this year so a formal capital program like people were used to 4, 5 years ago? No, sir.

Director Johnson – If you're, if you're referring to page 2 of what we call Projected Budget Summary and under Capital Projects Funds, some of those would be debt service, some of those, the 550 and the Endowment Fund is the transfer to the General Fund. What you see is cash balances, there, at this point, is no intention of spending any money in any of the TIF funds other than what is already encumbered for lakefront development. That could change. We could amend the budget some time during the year if Council chooses to spend any money in these funds in the TIF funds. So basically what you see, I believe the \$50,000 that is in the Sims Park fund, in the past years, there was a match that we did to the Henn Mansion, the Friends of the Henn, for any fundraising efforts that they had. So whatever is appropriated, I believe in Permanent Improvement Fund, it may not be the entire amount but there are some commitments for lease payments for certain equipment that, such as, street sweepers and ambulances, whatever that may be on lease payments. But we will present in detail if there is any, any capital that we will do and as the Mayor said, any large capital items would have to come before Council in separate pieces of legislation anyway.

Councilman Delaney – Thank you.

President Sustarsic – Any other comments or questions?

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

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

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

CEREMONIAL RESOLUTIONS

Res. 217-2004 (258-04) Fr. Patrick Henry

A resolution of congratulations to Father Patrick Henry on the occasion of being named Pastor of Saint Christine's Catholic Church in Euclid. (Sponsored by Mayor Cervenik and entire Council)

Councilman Daly moved for passage; seconded by Councilwoman Hufnagle.

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

COMMITTEE OF THE WHOLE

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

Mrs. Ann Raukar -246 E. 272nd St. The Court settlement of the Hillandale acreage is far different than originally proposed. With all the concessions and the new housing plans, it bolsters my feelings the parishioners of the PB Church had little to do with this travesty. The timing of the sale of the Hillandale appears to have been convenient for various local politicians. I have felt the parishioners of Providence Baptist Church were never the owners of said acreage. I will be mollified by these assumptions if I am wrong. I, too, am I too unimportant to see the deed? I would like to see the deed. As I stated before, the responsibility of Providence Baptist Church is not the responsibility of the citizens of the City of Euclid. It is the politicians who used the church for their own campaigns should be from their campaign expenses.

Due to my personal experience with the Oyaski Administration, I had no constitutional rights. My home was structurally damaged. The soil in my yard is contaminated. I was disrespected, treated and looked upon with disdain that I had that I dared to complain. The following persons are by temperament not qualified to hold any public office. They are too

Council Minutes

December 20, 2004

Page 42

dictatorial, inept and deliberately abrasive. Mayor Bill Cervenik, the former Mayor Paul Oyaski, his Law Director Pat Murphy, Magistrate Syracuse, Judge LeBarron and Erik Tollerup. I asked for a hearing allowed by Ordinance 235-1992. I wanted to confront these people personally. Instead, I got a letter, I was denied the hearing. Instead, I got a letter from Erik Tollerup with subterfuges and inaccuracies trying to whitewash their brazen actions against me. My husband served with General Patton rescuing the 101st Airborne troops who were trapped in the Bulge. I had three brothers who also served overseas. My neighbors with the water problem that was solved by destroying my property worked for the Nazi war machine. I took the roofer to Small Claims Court and the neighbor. She was there to help perjure herself with the roofer. Her husband died and as we left the hearing she was shouting in the vestibule you killed my husband. You killed my husband she kept repeating. Well, I was shocked and dumbfounded. I didn't say a word. Of course, I had been friendly with them; although, I had to back away from a lot of stupid remarks so that we could be able to say hello to each other the next time we met. And one of the City employees caused me to have a nasty confrontation with this neighbor.

I don't have very much to say and I hope this winds up most of what I have to say.

President Sustarsic – Your time is up.

Mrs. Raukar – And I do want to tell the person who made the seating arrangement I appreciate it and they did a wonderful job. Thank you.

President Sustarsic – Thank you.

Mayor Cervenik – If I may? Mrs. Raukar, going, I just want to address your issue with your house. You're talking about soil in your yard is contaminated.

Mrs. Raukar – I have a difficult time due the...

Mayor Cervenik – What I'd like to do, Mrs. Raukar, if I can call you right after the holidays, I would like to bring someone to your house and have you show them. I was there once already and I'm not an expert on it. But I'd like to see where the soil is contaminated so I will call you.

Mrs. Raukar – At your pleasure, Mayor, at your pleasure.

Mayor Cervenik – Okay, so I will call you right after the holidays. I've got a friend that's in the business and I'd like him to take a look at it, okay? All right.

Mr. Mike Tortorici – 635 Voelker. Tonight, I'm here for several reasons. First, I'd like to provide information for the viewing public. This is a Council meeting and not a WWF match. I think some people need to re-examine Ordinance 121.8, Committee of the Whole Rules and Etiquette. For the viewers, please get a pen and paper. You may be able to use this information to exercise your rights. I may not convince the people to change their opinions, but I want to provoke you to understand and act accordingly.

Secondly, I'm here to encourage people. I'm here at my own volition. I represent no group, entity or persons. There is no conspiracy afloat. I speak from the heart. I'd like to encourage our elected officials, every one of them, please remember the majority elected you. This is not a threat and I will not hold a recall club over your head. Do not be discouraged during these turbulent times. We're not the first and/or the only community dealing with difficulties and strife. Look closely. Examine our world. We are truly a microcosm of our times. I encourage you to persevere in spite of your detractors.

I also want to encourage the citizens of this City. I want to encourage them to stand up, speak up, voice your concerns. Yes, it is difficult to step up to this podium. Do I fear reprisals? Do I feel intimidation? Absolutely. I certainly don't want to look foolish, but I refuse, yes, I refuse to submit to the bully tactics of the poultry mob.

Mr. Puppet Master, how long will you continue your siege on our community? Examine your motives. Destruction of this Administration at what cost? Put aside your selfish goals and pride. "Repent, the kingdom is at hand." I am not bitter nor do I seek vengeance. I must emphasize the urgent need for reconciliations, stop the feud.

I want to share an editorial from, of all places, the Euclid Sun Journal. While many residents are understandably upset with Mayor Bill Cervenik for settling the Hillandale rezoning case. They're beating a dead horse. Cervenik had no choice but to settle and his actions will be better for the City in the long run. As noted on this space prior to the November 2nd election, the City

had everything to lose by continuing the lawsuit and we mean everything. Providence Baptist Church had sued the City for the right to build the church and homes on land it owns. And it continues and gives more details about the settlement. A few weeks ago, at the end, some residents stood up in City Council Chamber said it's time for the City to heal from the deep clefts caused by Hillandale zoning case. We agree. The City's hands were tied from the beginning. It's time to move on. That was editorial from December 2nd.

December 9th, last week's editorial starts with Fright Fight and it leads into our me-first world, residents believe they should get what they want when they want it or else. An offshoot of this can be seen in Euclid where some residents are so furious with Mayor Bill Cervenik over his settlement of the Hillandale lawsuit that they are talking recall. They're talking even though the City didn't have much choice but to settle and allow Providence Baptist Church to build a church and new homes. The shouting and ugliness are not pretty. Citizens of all ages need to grow up and learn to resolve their differences with words. They must learn that they can't always have their way. That's not giving that's life.

Okay, after reading this editorial, I was surprised in comparing their conclusion with Mr. Jeff Piorkowski's articles. I had to contact the editor and ask her some questions. Okay, now get your pen. Write this down. Mary Jane Skala is the editor. That's s-k-a-l-a. She is Editor of the Euclid Sun Journal. Her number is 216-986-5470. I told her I appreciated her editorial support of my fair City. I also shared my concerns over the bias reporting of Mr. Piorkowski. I told her how this City has many obstacles to overcome and that his inclination to favor certain personalities is unfair and bias.

So if you agree with me or even if you don't, call Mary Jane Skala and let her know how you feel. She's the Editor at Euclid Sun Journal. Her number is 216-986-5470. I'm tired of the media telling me what to think. The media is supposed to write the news not create news. And don't worry, in the spirit of Christmas, Ms. Skala assured me that Mr. Piorkowski would be transferred and not fired. So Merry Christmas, God bless one and all and remember Jesus is the reason for the season. Thank you.

Mr. William Hilf – 891 E. 237th. I'm hear to follow up a little bit more about Shore Cultural Centre. First, I want to respond to one of the Mayor's comments. And I'm not saying you're implying anything, but you made a comment about the roof leaking and the windows falling out. From personal experience, there's a lot of people who, if they hadn't been to the building and they haven't experienced it, they feel that this is what they're walking into is the fact that, you know, it's caving in on us and the windows are falling out. And it's not that bad. Although the building needs work, it's not as if we're in a dangerous situation there. It's more maintenance and upkeep more than anything else. And I'm not implying anything was meant by that. I just wanted to clear that up because we get parents in there who have never experienced the place until we get a kid in there in a show and they say, wow, you know, we didn't know this.

One of the things, also, about with these rental rates going up, that I'd like to see and we did it for one of the open houses a couple of years ago, would be outside of each room to post the rates for both the non-profit and the profit groups so that people can see exactly what the rate is for a certain room and who to contact about renting it. So if someone comes into the building, they don't have to find somebody. I think that would help. Because we are going to need to find new tenants for this building because I'm going to work under the assumption that we're going to maintain this whole building as a cultural center and that's my goal. We need more tenants because we can't have, you know, 13, 11 fulltime tenants having to burden the load, shoulder the burden for the entire building for the utilities, for the costs of the employees and everything like that. It's not particularly equitable that, you know, one group or 11 groups are having to pay for all the empty rooms that still have heat going to them because we can't turn the radiators off in there or turn them down because we're using heat control from 1926.

And then my, the other thing that needs to be reminded, too, is this building has financial benefits to the City that when you talk about other church groups and how their members go out into the City and spend their money, that is the same for all the church groups we have at Shore. That's the same for all the other tenants at Shore. When our theatre company lets out at the end of the day, the parents go out to buy their lunches at the local restaurants. When they are waiting for the kids, they go to the local stores instead of driving home to Concord, to Painesville, to Lakewood. You know, we don't pull just from Euclid. We pull, probably just over 50% of our kids from Euclid, but we pull from surrounding areas as well and they spend their money in Euclid.

And then my final question is, there is this development meeting scheduled for this proposed development for 2/3 of Shore and you told us on January 24th. I would like some more

information about where it's going to be held, at what time and will notice be given to the people that use Shore both as permanent tenants and as long-term rentals? Thank you.

President Sustarsic – No, I was going to suggest, I was going to say that I believe it was set up as an Executive Committee meeting.

Mayor Cervenik – Right.

President Sustarsic – And the public, naturally, will be invited and it'll be 7 o'clock and that particular date and adequate notice will be given so.

Mayor Cervenik – Furthermore, through meeting with their Executive Director today, the Shore Board's Executive Director, I've asked her to set up a meeting so that the Shore members, board members, who have already received this proposal, I've already been presented with this proposal, can sit down with us once again and ask questions directly with the developers that they have formulated so that they can get their answers and they can be addressed during that time. And I'm quite confident that your Executive Director will be setting up that meeting.

President Sustarsic – Okay, good, thank you. Next speaker, please.

Mr. Albert Shila – 482 Clearview, Unit I. I'm just here tonight to express good feeling tonight. I'm, this is my first Council meeting and tonight I experienced a Council meeting that I've, you know, never been to and I want to commend the Administration, members of Council to hopefully we can steer the City of Euclid in an upward position. And I just want to tell you that I think you guys are all doing a nice job. Try to keep up, you know, with our City and to have a happy New Year and a merry Christmas and it was nice to meet Mrs. Holzheimer Gail, who I live in her ward and Mr. Mayor and members of our Administration have a nice New Year's and Merry Christmas and congratulations to our new Fire Chief. I've never, I want to tell you thank you, so thank you.

President Sustarsic – Thank you, next speaker please.

Mr. Mark Copeland – 23219 Bennington Hamlet Circle. And I also would like to wish everyone happy holidays. First thing, I'd like to thank everyone that voted for the tax repeal of the special assessment for Bennington Hamlet. I did notify the County and they did make that possible for the year 2004.

It was kind of interesting, though, in listening to the legislation how people voted this evening, especially in light of how they voted back in October. I know the vote was 8-0. There was some questions about a couple of things and it does make it interesting Councilperson Delaney that you brought up some issues about Bennington Hamlet TIF.

The TIF, in researching it, brought up some interesting highlights into what's going on, not only just in the City of Euclid but in the State of Ohio. This supposed to be a financing tool to further develop a community. When you look back at Bennington Hamlet, Clay Matthews, there was a lot of things that happened 1994 that as Council people you voted 2 months ago. There was some paperwork in front of you, legislation, if you had did your homework, you would have been very surprised at what happened in 94. So for all of the people who thought this was a backroom deal in 2004, it was a backroom deal in 1994. There's some questions about what happened. There's still going to be questions about what happens on the lakefront. TIF does not really aid the community. All it does is take tax money out of one fund and put them in another. It does allow for infrastructure development. The only question that has come up in the past is that money does not go to some of the other sources, such as the County, the libraries and the school system. Now the school system did get their fair share and I do commend the Mayor was one of the people that was very involved in that. There was some questions about the conduct of some people back then. And I know there are some people that feel very highly about some of those individuals. But there's individuals on this Council.

I didn't just show up at this Council this last year. I've been following the Council since I became a citizen of Euclid and that was in 2000. I watched the behavior. I watched how people voted for things and all the while saying I don't have enough information and they voted. Probably should have abstained or, you know, or taken it into committee at times; but the reality of it is, is people voted on things without doing their homework. All I challenge you on right now is that, I know the position is a part-time position, but it requires fulltime research. Right now, I see people they have a special issues and interests and that's the only thing they do their

homework on. But the things that affect the citizens of Euclid, I don't think everybody up there does their homework. There's some projects that do not get the research.

I also challenge you on a couple other things. You need to choose your words carefully, not only in terms of the media but in terms of what happens up here. It's nice to see everybody's face now. For several years all I saw was the back of your heads and couldn't tell the character or the person in what they were saying sometimes. But this way, I can see what's up there and what represents me. And I have some challenges and I have some questions for the year 2005. Do the homework. The TIF for the lakefront, some of the other projects that are supposed to be going on in Euclid, I'm very pro-development. I want to see everything prosper. I want to make sure that the people that live here do not have to pay for mistakes that were made 10 years ago.

I applaud the current Administration. I applaud the Council for resolving that issue. But I also see some of the issues that you vote on today and how that's going to impact people 10 years from now. You have to be careful about that because right now, it seems as if there's no accountability at times. Well, hey, you know, hey, that was something that was made. It was a public forum and decisions were made. I was told by several Council people at that last meeting where this was voted on that we need to seek legal advice, you know, that was not a very good recommendation because, you know, the people that I talked to, you know, yeah, there's some questions and concerns about how things were conducted. But I challenge the people that are up here as I stated back then, there's some ethical issues and there were some conduct issues that should not have happened then and probably should not happen now.

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

Mr. Copeland – Thank you very much. Happy Holidays.

President Sustarsic – Thank you, next speaker please.

Mr. John Herak – 78 E. 224th St. At the last Council meeting, a few people, a couple of which were dutiful City employees, lauded the Mayor's decision to settle the Providence Baptist Church lawsuit. During their comments, they cited word for word what was written in the Plain Dealer by the disturbed Phillip Morris. In his article he mentioned that the City of Euclid had no chance of winning the lawsuit. I did not know he possessed a law degree; however, had Mr. Morris taken a little time to research the topic, he might have discovered what Joshua Green of the Free Times found out. I shall now read excerpts from his article in the Free Times.

While the Plain Dealer editorialized on November 21st the Euclid Mayor Bill Cervenik showed exemplary leadership by going against the voters and letter developers have their way in Euclid, others are not so sure. Additionally the Plain Dealer editorialized that the City of Euclid would most certainly lose the case brought against the City, but again, others are not so sure. Nationally-recognized legal scholar, Marcy Hamilton, the founding director of the Intellectual Property Law Program at Yeshiva University, writes the Free Times, that this is what always happens, always in capital letters, always happens when cities panic and cave instead of getting the expert advice on RILUPA that they need.

She goes on to talk about the lawsuits and the referendum vote. In closing he writes, this woman is quoted I think the citizens have their fingers on the pulse of what is right and fair here. Too bad the City processes did not take the position that they were supposed to do what is the larger public's interest and just not this land owners.

So after reading that it would appear that there are qualified individuals out there who would believe that the City could have prevailed in this lawsuit. Mr. Cervenik, then trotted out his experts on these types of zoning matters on Channel 23 to back his claims. Now wouldn't you think that as Mayor of a City that had 12,000 plus votes cast against this project, you might look for legal counsel that would consider a positive outcome of this lawsuit, not our Mayor. He just looks for those who will tell him what he wants to hear. He did it concerning the Briardale Golf Course; he did it concerning the church's lawsuit.

Now going back to the Briardale situation. When his new Administration decided to revisit the clubhouse plans, he decided to keep Pat Delaney out of it. Why? Pat was on the original committee. He had been through the entire process. Why wouldn't you include him? Because he didn't want someone on the committee who might disagree with his plans. The Mayor says let's work together, but really means work with me on my terms and only my ideas. His talk of uniting the City rings hollow. Thank you.

Mrs. Audrey Kaplan Goodman – 20201 Glen Russ Lane. My purpose tonight is to ask questions that have still yet to be answered after they've been asked of this Council. This is in direct

conflict to the rules of the Committee of the Whole. As it states, the citizens have the right to ask questions and that they shall be answered. With all due respect, I will ask the questions again, and I will wait for the answers. Not to some of them, but for all of them.

I also want to ask the Mayor, Finance Director, Law Director, Members of Council and the Administration to please take notes on the questions asked so I will not have to repeat myself once I sit down.

First, what was the exact cost to the citizens of Euclid on the making of the Hillandale Settlement infomercial?

Second. At the last Council Meeting, Mrs. Conway asked, do the people have an equal right to produce their own rebuttal infomercial to be run on Euclid TV? If yes, I ask would it be run on the same schedule as the current Settlement?

Was there a recent appraisal done on the Shore Cultural Centre? If so, what was the final appraised value? Who did the appraisal?

Why are supplies for different departments shipped and billed to Shore and then picked up and sent to the correct location?

Mr. Council President, as my husband and others have asked, I'm going to ask again.

Why do you continually change the rules of the Committee of the Whole depending upon who is standing on this podium? I want to cite examples from the last Council Meeting.

My husband asked a question of the Finance Director. When he received no answer, the Mayor, without being recognized by your Chair interrupted and stated that once he sat down, the question would be answered.

Sue McGinn asked if you could poll the Council on the Settlement. You told her this was not a back and forth discussion.

Later on, Linda Fleming, a Corrections Officer, asked Mr. Frey questions regarding her pending termination. You did not tell her that this was not a back and forth discussion and the Mayor did not interrupt her. She actually asked a series of questions which were all addressed by Mr. Frey while she was standing at this podium.

Lastly Mr. Fricky asked a question of the Law Director and was told once again it would be answered when he sat down.

I ask you Mr. President, why do the rules keep changing, or are the rules dependent on who is asking the question?

Mr. Mayor, when this Council passed the legislation recommended by my husband and myself in regards to video tapes of Council meetings, etc., to be given to the Library, you went on the record and stated that whatever the Library wanted, old or new, they could have. My question is, why has the Library now made two requests for passed Council meeting video tapes and to this date, per Rebecca McFarland, she has not received them. I want you to please ensure that the Library's request is fulfilled.

Also, has the video tape of the Hillandale Settlement been given to the Library?

I want to speak directly now to Jeff Piorkowski's of the Euclid Sun Journal and Mary Jo Minarik of the Euclid Observer. Recently while I was wanting in line at a regional library, I started a discussion with a woman in front of me. It turned out she lived in Euclid. Naturally I asked her what she thought of what was happening in our city. She answered that she was aware of Hillandale and had voted no. She told me that she could not watch Euclid TV as she was a satellite customer. I concluded that the majority of Euclid citizens do not have access to Euclid TV. My request to Jeff and Mary Jo is quite simple. Please in your articles and publications, state a public awareness message that video tapes of Council Meetings and other City forums are now available at the Euclid Public Library. I ask you both to do this on a continuing basis so that the word will spread and people will be made aware. I thank you both in advance for your cooperation.

I'm going to leave tonight and offer congratulations to Mr. Delaney on the birth of his new baby. I trust that Mom and baby are doing well. I wish all of you Happy Holidays, Happy New Year and I will now sit down and await the answers to all of my questions. Thank you.

Mayor Cervenik – Mr. Chairman, I will provide those answers in writing. We don't have the information to all of those. The problem is, I think and I mean this respectfully, but if you want 13 or 14 questions answered and you want the proper and full answer, the proper thing for you to do is call my office, fax me the letters and then we can get that information for you. I will do that. If its appropriate and if you allow it, I can read the questions at the next Council meeting, but I will try and supply those to Ms. Goodman before that. Thank you.

President Sustarsic – Relative to running the course of a meeting, I apologize if I've offended anyone. But at the same time, a lot of times there's a certain demeanor which I've been saying

should not be present at Council Meetings and we should all treat each other respectfully and so forth and so on. A lot of it has to do, I guess, with attitudes of some people that they might bring to the podium. At the same time, all I would have to say to you is that we're doing as best as we can based upon the laws and the ordinances of Council, the meetings and how they should be conducted by Robert's Rules of Order. So that being said, next speaker please.

Mr. Victor Goodman – 20201 Glenn Russ Lane. Truth and justice, two words that we have learned depends upon who is speaking that truth and who administers the justice. In any disagreement, each side use facts to substantiate their truth. Tonight I will offer you my opinion as to why our Mayor and Law Director had to settle the Hillandale lawsuit. As I will list my facts, you will note that none of the facts stated in the Hillandale settlement infomercial are mentioned.

Both prior to and after the church filed the lawsuit against the City, members of our City government made statements that could and would have been used in a court against the City. In a lawsuit the City was, was just the defendant and the church just the plaintiff. So I have to ask two simple questions. Since when, does a defendant in any lawsuit or even hint of a lawsuit, go out of their way to aid and abet a plaintiff's case? And where was our legal counsel advising officials not to speak?

The facts, both the Mayor and Council President called people opposed to the Hillandale project racists. And even Councilwoman Hufnagle echoed that to a petition collector. Councilman Daly repeated time and time again we cannot win. We cannot win. It's money we don't have to spend.

Councilwoman Hufnagle even queried if the opponents of Hillandale could be assessed for the legal fees? And Councilman Gruber, fact, even posed with his arms outstretched on the land being contested and praised the project. Now personally, I don't know if I'll ever be able to enjoy the Sound of Music again.

City lawyer, Brian Meister, stood here and praised the opposing counsel. Praised the church; praised their developer and yet still called opponents racists. And fact, the Mayor's picture appeared on a pro-church literature sent to every citizen of Euclid just days before the November vote.

All these comments and remarks in Council, in public and in print truly bolstered the plaintiff's case. This was not only a breach of their Oath of Office but a direct conflict of interest in the midst of a lawsuit. These comments poisoned, penalized and damaged any defense we might have mustered. Certainly, opposing counsel must have relished every time one of these six opened their mouths and would have most certainly been called as plaintiff witnesses had it gone to trial.

Where was our Law Director? Where was our outside, high-priced legal counsel? To demand a muzzle be placed on the mouth of City officials. Surely any lawyer knows that such remarks coming from defendants would damn their chances at a defense. The actions taken by these six people, all members of City government, left no choice but to settle the suit. I submit that the Administration did not want to win this lawsuit by their actions as I have stated.

I will continue to respectfully disagree with the Law Director that we had no chance to win on the merits of the case as it was never tried. So unless he has a crystal ball, no one knows what the outcome might have been. We only have to look at today's headline to prove my point. How many here and watching would have guessed the verdict of the Shakira Johnson trial. If you don't go to court, you'll never know what happens.

It was an outright conflict of interest by a Mayor, Council President and Council people Daly, Gruber and Hufnagle along with lawyer Brian Meister. They seem to go out of their way to taint the City's case and their ability to win. There is no justice. The people have been ill-served and no matter how many times the Administration runs their infomercial to convince us all through repetition, remember, it is only their version of the truth and their truth may not, in fact, be the real truth.

On an added footnote, at the last Council meeting, some residents in favor of the Mayor's decision invoked the name of Jesus Christ as they called the dissenters of Hillandale myopic and other things. May I remind them and all others that Jesus Christ was, in fact, the most vocal dissenter of His time. He spoke out against those He felt were leading the people down the wrong path and that included the government of the day. I wonder if these same people who speak out against the dissenters today would have spoken out against Jesus Christ and His right to dissent.

In closing, I do want to wish Mr. Daly, wonderful, as I said, I'm going to call you Tevia soon, keep on having daughters. I want to wish everybody, oh, Delaney, I'm sorry. I want to wish everybody a wonderful Christmas and I want to wish everybody a wonderful Kwanzaa and

I want to wish everybody a Happy New Year. I only wish somebody had wished me a Happy Hanukkah.

President Sustarsic – We're going to take a minute break because we'll have to change the tape because it's been 2 hours. Thank you.

Mr. Tod Guntner – 390 E. 257. First of all, I'd like to wish everybody here and at home a very happy holiday season and, hopefully, everybody will be safe during that season.

Second of all, we have a little bit of change in our hours at the Shelter. This week and next week during the holiday season we will be open Tuesday, Wednesday and Thursday from noon to 4 and Thursday evening from 6 to 8. Both New Year's Eve, New Year's Day, Christmas Eve, Christmas Day we will be closed.

In just a few minutes, I know everybody's been anticipating and waiting we're going to be raffling off that electric scooter that people have been buying tickets for. But before we do that, we have another fund raiser going on at the same time. These are entertainment style book called Our Town and All Around. It's 2005 dining and entertainment directory. They are \$20. The Animal Shelter gets \$7 from each sale. We have to date sold approximately 60 books, which is well beyond our wildest dreams. We have about 30 left. I do have a few with me tonight. If you'd like to buy one, I have them available or you can stop by the Shelter Tuesday, Wednesday, Thursday from noon to 4.

Also, I'd like to remind everybody about recycling their cans. We've been doing this on an ongoing basis for a number of years and we're collecting almost \$100 a month at this point. I would like to up that a little bit if we could.

Also, your printer cartridges, please bring them to the Shelter during any of our open hours. We can get anywhere from \$1-12 for each one depending on the brand. The only ones we can't take are Epson and generic. Everything else we can take. We have a lot of people that donate these on a regular basis, including people at City Hall here. We greatly appreciate that and we will enjoy your continued support. So I will go ahead and get off this microphone and Jan will come here and we'll draw that scooter winner.

Ms. Jan Gajda – 421 E. 257 St. I would also like to wish everyone a happy holiday season and Happy New Year. And we're now going to do the scooter raffle. Tod's going to have Mr. Nagy pull it. Okay, the winner is Azra Kalic and it's a 440 area code so I'm assuming it could be Lake County. So congratulations to this person, I will be contacting them. and once again, happy holidays to all. Thank you.

Mr. Joe Udovic – 21371 Naumann. This evening I do have some questions and I have some comments as well.

Mrs. Hufnagle mentioned last Council meeting that we're bringing businesses into the City and bringing jobs into the City. Director Johnson, I do have a question about Euclid Square Mall. Do you know how much or did you do some type of study on how much payroll taxes is coming out of that Mall? Not sales tax, taxes from labor actually coming out of that Mall. The reason why I'm asking this question is because I had a chance to volunteer for a friend of mine at one of his booths. During the course of the evening, I had a chance to walk around some of the booths and I found out that 3 tenants are leaving the Euclid Square Mall because there's no business. They are making rent only. They're not making payroll. So that's my question for your department.

I have a question for the Police Chief. I know it was mentioned at the correction officers, the lady, female correction wing, I mean, the jail would be closed. Have you done a study on what it'll cost to transport prisoners to various cities? If you do, I would like to have some information on that. I'm very curious to know what we're going to be spending on transporting women prisoners to various communities some type of a breakdown. Thank you.

Normally, I don't talk about personal business; but I received something in the mail about a week ago and, like I said, I normally don't discuss personal business but this person never sent me a return address or phone number for me to contact them. It says, Broadview Heights voters decide one family member is enough in elected positions. I'm not here to discuss pro or con this issue, but there's a little comment here made. It says hi, Joe, I'm sending you this because I know you care. Two Sustarsics in one small Council isn't right. We need an independent person in junior's chair. As of right now, my political future, I don't have any future political. I'm assuming this means this person is trying to encourage me to run against Tony Sustarsic. As of right now, I have no political future. I do not plan on running in the upcoming election.

Council Minutes

December 20, 2004

Page 49

Currently, I do hold rank and I like what I'm doing and I like my rank. Like I said, I love the job I'm doing. I do not have any interest in politics right now.

I also realize that my leadership skills and the Mayor's leadership skills are two different skills. My skills are more to blend with energy and blend with the people. I realize through past few meetings and for some time now the Mayor, and this is just my personal opinion. If I'm wrong, I'll apologize. But it seems to me what the Mayor is doing is treating the citizens like he has a riding crop and he's treating them like they're a psychotic horse running through a stable fire. Now like I said, it's my opinion that when you see energy you blend with it and go with the flow. And, like I said, it's just totally different situation between me and Mr. Cervenik. It's not that I don't honor Mr. Cervenik and I don't respect him, it's just that I have a totally different leadership skill. I also realize that to sit on Council the power comes from the people. Well, I tap more into a universal power so like I said right now to whoever this resident is I do not plan on challenging Mr. Sustarsic. There might be a very good chance that I would win the race, but I might even lose the race. But right now, I'm not looking at any type of career in politics.

I also do have a question for Mrs. Hufnagle. You mentioned at the last Council meeting this country was built on freedoms of land usage. But according to the recent Euclid Observer, it states, and our sincere thanks to Mrs. Hufnagle's continued lectures to the public on how to conduct ourselves and just what freedom of speech really means. Council Chambers are hallowed grounds and not proper places to express your opinions. I do believe this country was based on the first, one of the amendments, and one of them was the First Amendment, freedom of the press and freedom of speech. As long as we're telling the truth, we're not using slander and libel, I do believe our freedom of speech should always be garnished and protected. There's countries out there who do not allow you to speak or print what's on your minds. I do believe every citizen and every Council person should have the right to express what's on their mind freely. Have a good evening.

President Sustarsic – First let me answer that, I think there was a question in there relative to my son and I being on the same Council. And it's called people running for election and being voted to a particular public office. There was an article I saw relative to some people that look upon it as nepotism. My definition, I think, of nepotism is as is the general consensus, is that when an individual is in a job he appoints or gives a similar or an adjoining position to a family member and that would be nepotism. In this particular case it was the people of the City of Euclid that voted independently for my son. They voted independently for myself and so, consequently, if the City doesn't like two Sustarsics on Council they have the right to vote us out of office either one or both of us. But at the same time he won an election on his own merits. I won an election on my own merits. Thank you.

Councilman Gruber moved to rise and report; seconded by Councilwoman Hufnagle. Yeas: Unanimous.

President Sustarsic – Someone's going to have to jar my memory. I can't recall...

Mayor Cervenik – There were two questions asked of the Administration.

President Sustarsic – I'm sorry, excuse me.

Chief Maine – As I mentioned at the Budget Hearings in regards to transportation of female inmates, we have no history on this. I haven't done a study. What we're planning on doing any transportation if we have through off-duty personnel as well as some cooperative transportation with the other facility that we might be housing these women inmates at. So the short answer is that, hopefully, it won't cost any additional money to the General Fund. Any monies will come out of the overtime budget that's been allocated in the General Fund budget. And that's the answer.

Mayor Cervenik – The other question that I can answer this evening is on payroll taxes coming out of the Mall. Going into this project we, the owners and the developers knew it was going to be a tough sell and they knew the situation they had setup would have very few actual companies in there paying employees with W-2. That most of the were one person, sole proprietor business and they filled out registration forms for Central Collection Agency and we will receive the tax on any income they received, not sales tax but on income based upon the tax return they file at the end of the year.

If they're losing money, obviously, they're not going to file a tax return or they're going to file a tax return but they're not going to pay tax. But it would occur that some of the businesses throughout there have made money. You know, the Outlet USA has been ridiculed by a number of people publicly and privately; and I resent that as the Mayor of the City that these people came in and they put a lot of money and effort into that project and it's bringing activity to the Mall. And I strongly encourages all of you like me who, we're not done shopping yet. Take a run up there and see what's in there. You're going to, you may be able to find something. But their business, just like any other business, and their goal, their long-term goal is to use the activity created there to bring more activity to Euclid Square Mall. So the Mayor does support what they're doing. We do expect to get some taxes from the operations that are up there. Thank you.

President Sustarsic – Thank you.

COUNCILMEN'S COMMENTS

Councilman Langman – First, I'd like to wish the Goodman's a Happy Hanukkah and remember the light of the holiday is supposed to take with you throughout the entire year. That's the symbols of the holiday.

I'd also like to welcome one of the newest members of the 2nd Ward, Kathleen Erin Delaney. I know that mom and dad are very proud. I'm sure Gracie and Maura are very happy to have a little sister.

I would like to address some of the comments that we've heard over the past couple of Council meetings regarding various issues. And I've talked about this before over my time on Council and I will continue to do so as I see fit.

It's not necessarily the Council job to be in lockstep with the Administration. Our goal's different from the Administration and sometimes that role is one of dissent. Now it should be dissent based on principle and facts and objectivity not just mindless opposition. What I want to remind folks is the country was founded on dissent so dissent is not necessarily a bad thing. Harmony in politics is not always the ideal in public affairs. If dissent is treated like it should be as ideas from the other side, then you build consensus. But to treat dissent, no matter what side it comes from, is simply that side is against us does a disservice to the entire community.

So I think as we reflect on the past year, we've had a whole year of going through this. Yes, I don't agree with the Mayor on a lot of things and he doesn't agree with me but you have to do it in a professional way. And so the ideas that I try to present is not to necessarily stick it in the Mayor's eye but it's to make whatever issue is on the table better. The Mayor can appreciate that or he can't. That's up to him as an individual. But that's how I approach the job because that's the way I believe that the job should be approached. Each issue stands on its own merits. It shouldn't be that I voted this way this time on that side. I'm continuing to continue to do that. It should be each issue should be judged and weighed on the merits that are presented. That way there are no sides. You're basically making decision based on your own convictions and your own principles. If everybody strives to do that, then we'll have the harmony that so many people have wanted to express. Better than that, we will have a truly cohesive and working government because we will respect each other's opinions rather than dismiss them out of hand. Thank you, Mr. Chairman.

Councilwoman Mancuso – First, I'd like to wish everybody happy holiday however you enjoy it. That was for you.

I would like to make a couple of comments about our residency law that we changed tonight. I think as I walked through this over the past 2 weeks in looking at this, the most beguiling reason to change what we are doing, this residency ordinance that we have on the books, was what we heard from somebody who it will not even impact for a while who's a union person, firefighter. As I looked at other cities and it did go out and we didn't at the committee meeting the data we needed did start calling the other communities myself not knowing if you had time to get the data back or not. And every city has some form of restriction. It may not be across the board, but almost 90% either have a director or their mayors or their city managers and that showed in some of the things we saw tonight. But I do believe what we saw in the firefighter that spoke to us was living in a city and you'd also suppose with our police officers when you have to arrest somebody and then you do meet up with them in a restaurant the following week. Never did that strike home as hard as it did when that young man said that plus not being able to be close to your family. I think he made a very clear point to us that while a certain gentleman

was in jail right now, that his wife really did feel safe living in a city where her husband was gone for 24 hours a day. Now this is a profession he chose, but I will say that is probably what changed my mind more than anything else. And this particular change in residency doesn't impact him right now. It may be something they can negotiate it may not.

What didn't sway me was the fact that the reason we had it was more political than anything else. Because, unfortunately, I don't think we're any less political today than we were when the ordinance was written. And it is a very old ordinance from the 70s. I mean you can tell by the way it's written. So in that respect we haven't come very far because I think it is still very political.

The second issue I'd like to address is the budget. And all I'm going to say about that is I'm hoping in 2006 that I can support the budget. I would love to support it tonight. I really need the City to do more pro-active thinking. We still do status quo. We are very comfortable with the people we surround ourselves with. I know we all think they are great, but we just have very low tolerance for risk and that risk means light years. Expanding how we think about how we do business. And I'm not saying we're not doing any good because I think we've made some strides, but I really don't think we've made enough. So I'm hoping in 2006 that, again, I will offer to work with the Administration in anyway we can to dialogue and incorporate and believe in this, again, and hopefully I won't have to bring it up in 2006 that it wasn't enacted upon. And with that I'll say good night.

Councilman Sustarsic – Yeah, I mean it was brought up before nepotism or whatever like that. It was really no secret that, that I was related to the Council President when we were running. I guess it's a good thing there wasn't government meetings in the 70s when Grandpa was the Mayor and Uncle Ed was on the Council.

But the other question, he asked how much it costs to house a female prisoner. That's \$70 a day. I asked that question. Jan Clinton gave me that answer at the first budget hearing, which we talked about Police and Community Service and Development.

I'd just like to wish everybody Merry Christmas, Happy Hanukkah. And Mr. Delaney, congratulations, you know, that's part of the greatest Christmas gift ever. Who knows? Maybe she'll be sitting here with little Edward 25 years from now. Just happy holidays everybody and wish everyone the best, Happy New Year and prosperous new year.

President Sustarsic – God bless them if they are sitting up here 25 years from now. I'd like to say happy holidays first of all to everyone and I'm not going to particularize because there are so many different religions and followings out there, but at the same time just remind everybody and to have everyone carry on the peace and the spirit of the holiday throughout the year because I think it's very, very important.

I'd like to extend those same sentiments to my colleagues on Council, especially the Mayor and the Administration as well. All the City workers and everyone in the City of Euclid.

I would like to also say that to my mind, and I think I've been involved a few years in Euclid City Government and in that time period I honestly have to say that I commend the Mayor and his Administration. And this goes back to 1987 because I don't know that I've ever seen a more pro-active group of individuals, a more responsible group of individuals that have really, when we're up against it, that they, there are times that each individual department head will take a hit, but at the same time it's for the overall good of the City. It's never easy putting together a budget. It's never easy because it might involve layoffs and that type of unfortunate thing. And it always has to happen around the holidays. I don't know why it always is that way. But at the same time, again, like I says I just want to mention, again, that I really have enjoyed working with you this year. I think next year will only be better. I think the City is marked to do good things and we're well on our way. And as far as businesses not being involved in this City or not moving to the City, that's not true. We've seen over the past several meetings of businesses that could have moved out of town, but instead they've moved within the town and they've expanded. You can see the instance tonight with Lincoln Electric over the past year, they've had that many more jobs and the impact they have on the community. There's a lot of potential. There's a lot of things on the drawing board yet that, again, because of contracts and legalities and the like that we're not allowed to discuss until they come to fruition, but at the same, I have no problem being affiliated with these people. Everyone's doing the best that they know how, the best that they can. And we have to keep that spirit together. We have to keep that cooperation together.

That being said January 5th, getting back to reality, as you recall early on, there's a Safety Committee being held. Safety Committee meeting at 7 o'clock regarding the proposed vacation of a portion of Miller Avenue. And I think that's about it.

Councilman Daly – One thing that I would ask is that the Safety Committee meeting that we also invite all the business owners between Miller and Beckford so that they can also hear about the proposed changes. I did have a chance to visit three of them today and they were very concerned. And after we talked and they saw where exactly the street will be blocked off, they felt better., but were very interested in having a discussion and being at a meeting, and, hopefully, will be able to make it January 5th.

I, too, would like to extend my congratulation to my friend and colleague, Mr. Delaney, Patrick, on the birth of your daughter. Christmas came early this year. And condolences also go out to the families of Eunice Rinderle and Fran Kirstoff. Having attended a few funerals in Euclid, the last few days, you realize or I realize that the birth of a child or a funeral, they are blessings and either being able to attend to gave reason to get together and meet and reconnect with old neighbors and friends. And family members came in from out of town that I have not seen in a very long time and revisit and remember the good times that we had together. It was, they're both a blessing and those were, and Eunice and Fran were very strong women and they had very, very good families and they will be missed.

Last, but not least, Villa Angela-St. Joe's will be playing Euclid in basketball, I believe, on Wednesday and I'll put a dollar on that. With that good night.

Councilman Delaney – Thank you, thank you all very, very much. I hardly feel deserving. It's very humbling. I'm very flattered. But on behalf of my wife and daughter, thank all the well wishers, Council, the Mayor, the Goodmans.

A lot of good work to look forward. A lot of good comments tonight. I'll be brief with Happy Hanukkah to the Goodmans and Happy Holidays to everyone and Happy New Year.

Councilman Gruber – Mr. Goodman, I thought I covered it with happy holidays when I saw you in the hallway. Anyway, happy holidays to everyone however you choose to celebrate and also a comment on the question on the photo in the Cleveland Magazine.

Out of about 27 taken by Isabella Victoria, she chose it. We didn't have. That was the end of the day and I told her just pick one. Let's get it over with and that's how it came from. I will autograph it for you if you'd like, Mr. Goodman.

That's it. My gift to everybody is good night.

Councilwoman Holzheimer Gail – Just a note of appreciation to the Safety Forces and Service Department, who will be working over the holidays, spending time away from their families. We certainly appreciate all of their hard work and I would like to wish everyone a joyous and happy and healthy holiday season.

Councilwoman Hufnagle – I'll start off by wishing everyone Happy Holidays and then I would like to address the Police Department. About a week and a half ago we had a break-in 3 doors down from my house. And the person that broke into the house was caught within 24 hours and I think that the Police Department is to be commended for that. I'm very proud of that fact. And I was very proud to tell the neighbors that he was apprehended and sitting in jail and that goes right to the department.

And then I have been given a letter, Chief, that was addressed to you so I'm going to read part of it because I think it's very important. This letter comes from the U.S. Department of Justice and it's signed by two Assistant U.S. Attorneys.

Dear Police Chief Maine: We are writing to express our thanks and to commend members of your Department for their exemplary performance of duties while assisting with the investigation and prosecution of two individuals who were armed on February 6, 2004 when they robbed the National City Bank on Babbitt Road in Euclid, Ohio. All of the officers from your Department involved in this investigation behaved themselves professionally and with great attention to detail.

In particular we would like to commend Detective Sgt. James Baird, Detective Russ Kucinski, Officers Michael Caruso, Paul Doyle, Steven Hogrefe, Gregory Costello, John Buling and Chad Daubenmire. The letter goes on to describe exactly what these officers did. And I'm quoting from the letter again, the resolve, flexibility and willingness of these officers to go the extra mile was instrumental to our ability to obtain convictions against both defendants and to ensure that the ends of justice were met. The City of Euclid should be proud of the service and the professionalism of these fine officers.

I asked the Mayor for this letter. I knew he was given it by the employee at National City Bank that was copied on this. Her comments to the Mayor were Mayor Cervenik, I am proud to

live and work in Euclid. We have the best force bare none. Chief, awesome job. I'm proud to live in the City, also. Merry Christmas, Happy Holidays, thank you.

President Sustarsic – And I believe we have a...

Mayor Cervenik – Mr. Chairman, speaking of jobs and investment in the City of Euclid, Frank Pietravoia's going to give you the details but we are going, we are more than likely going to need a Special Council meeting for one item and he's going to explain it to you right now.

Director Pietravoia – We did try to investigate every possible route to avoid the need to ask for a special meeting, but unfortunately, it wasn't possible. In this case, under the category of continuing to do business friendly community, you may recall we have an investor, developer that's bringing his business to this community on Euclid Avenue at East 276th Street on the south side, building a new professional office building for attorneys office practice.

They realize late in the game, they had all their other tools in place; but they had not proceeded with a necessary lot consolidation. There's 5 parcels on this vacant piece of land. They can't get a building permit unless it's consolidated into a single parcel. Unfortunately, this is just the way it is in an older community. A lot of times these vacant parcels have several, several parcels rather than one. If they don't get a permit by the end of the year, they will lose their financing for the project. We are scheduled tomorrow night at Planning & Zoning. It's actually a very straight forward matter. I don't anticipate that there'll be any issue with it. I expect it to pass tomorrow evening. We could not bring it to you ahead of time before P&Z according to our laws. So we were, so we are going to ask this evening, possibly even Wednesday, if we get a majority of Council available to have a very brief meeting to consider the recommendation from P&Z on this matter.

President Sustarsic – Everybody okay with that?

Mayor Cervenik – Like at 5 o'clock?

President Sustarsic – Would 5 o'clock be okay? Be kind of tight. Six? Five and a half?

Mayor Cervenik – 5:30 going once, going twice, that's it. If one of you can't make it, that's okay as long as we have a majority quorum we're okay.

President Sustarsic – 5:30.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council