

**COUNCIL MINUTES  
MARCH 21, 2005**

The regular City Council meeting was held on Monday, March 21, 2005 at 7 p.m. in the Euclid City Hall Council Chamber. President Sustarsic presided.

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

Others Present: Mayor Cervenik, Law Director Frey, Public Service Director Gulich, Recreation Director Will, CS&ED Director Pietravoia, Police Chief Maine, Fire Chief Cosgriff, CS&ED Department Advisor Gliha, Sgt.-at-Arms Nagy, Assistant Clerk of Council Miller.

Invocation was given by Rev. Dennis Lippman of New Life Christian Church.

**COMMUNICATIONS**

Council received the following communications:

A memo from Finance Director Johnson regarding the top 50 income tax withholding employers in the City year end 12-31-04.

A proposal to the City of Euclid from the Shore Cultural Center Corporation to convey control of the Shore Cultural Centre to the Board of Trustees.

**LIQUOR PERMITS**

Councilwoman Hufnagle moved to approve without objection a new D1, D2, D3 liquor permit for Italiano's Bistro, 494 Euclid Square Mall. Councilman Langman seconded.

Roll Call: Yeas: Unanimous.

Councilman Langman moved to approve without objection a Liquor Agency Contract to Deckerman Enterprises, Inc., at 22808 Lake Shore Boulevard. Councilwoman Mancuso seconded.

Roll Call: Yeas: Unanimous.

Councilman Langman moved to approve without objection a transfer of a C1, C2 liquor permit to Deckerman Enterprises, DBA 22808 Lake Shore Boulevard. Councilwoman Holzheimer Gail seconded.

Roll Call: Yeas: Unanimous.

**COUNCIL MINUTES**

Councilman Gruber moved to receive the March 7, 2005 Council Minutes. Councilman Sustarsic seconded. Yeas: Unanimous.

Councilman Delaney – We have some conflicting legislation on our agenda tonight. I have sponsored or co-sponsored some Shore legislation as we know, that I intend to go to Committee. It is in conflict with #19, Ord. (314-05). I would like to move that to #1, because I believe a vote on that will dictate whether we will go to committee with the legislation that we have outlined for Shore.

Mayor Cervenik- Mr. Chairman, as I informed you earlier and at the appropriate part of this meeting, I would have asked you to inform you and the rest of Council that because of the fact that we received some legislation or proposals from the Shore Board about ten o'clock this morning, we have not had time to review that, so I am pulling #19 this evening, under the understanding that those 3 or 4 pieces of legislation are going into Council Committee and that we would like to hold a Committee Meeting on those on the 30<sup>th</sup>. That will give us some time to prepare and it will give me some time find out exactly what was presented here to us this morning. #19 will be pulled and not discussed this evening.

Councilman Delaney – Again, if the Mayor would like to change his mind and just put this into Committee, we could have it all in Committee and set up dates for everyone to be reviewed in front of the public.

Mayor Cervenik – Mr. Chairman, I pulled that piece of legislation. As the sole sponsor I have that right to do so.

Councilman Delaney – If, should we have any sort of time-line as to when we can expect it to reappear on the Agenda? Or will we be having a Committee Meeting for it?

President Sustarsic – I think we might be able to discuss that later.

Councilman Delaney – Okay.

## ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented Res. 31-2005 to the Ladies Auxiliary of Slovenian Society Home Recher Hall.

Recreation Director Will – I would like to take this opportunity to thank everyone that was involved, whether it was volunteering for the Blade & Edge, or just a resident that came in and volunteered for the Euclid Blade & Edge Club's CIC Invationals that were held at the ice arena the week of March 11<sup>th</sup>. Thank you, you've made our city great. We did have about 1500 people from surrounding cities that came into the rink and were very pleased with everything that they saw.

What a weekend it was this past weekend in the City of Euclid. There were so many opportunities for a resident to do something. Thank you to the Euclid Jaycees and to our Citizens Police Academy for their assistance with our Easter Egg Hunt that was held this past Saturday. We had about 150 kids. The weather held off and we had a great time.

Congratulations and my thanks goes to the entire production group, staff, directors, for the UpStage Players. I had the opportunity to see Grease yesterday and it's amazing there was approximately 120-130 kids on stage and every one of them knew what they were supposed to do. Again congratulations to all the children that participated in that.

I would also like to thank the staff and crew of The Big Show. I had the opportunity to watch that on Friday night. It is amazing between the UpStage Players, the children at the Big Show and also our Silhouette Productions, all the talent that we have here in the City of Euclid.

I would like to remind everybody that we'll be doing our early-bird registration for our summer activities. That will be held here at City Hall on April 5<sup>th</sup> & 7<sup>th</sup> from 3:00-7:00 PM and on Saturday, April 9<sup>th</sup>, from 9:00-Noon. You can register for the summer programs, pick up your pool pass and find out about what we do have to offer.

I would like to remind everybody that along with the Euclid PetPals, the Euclid Parks & Recreation Dept. will be sponsoring a cake auction and bake sale that will be held at Shore Cultural Centre, Saturday April 9<sup>th</sup>, from 10:00 AM until 2:00 PM. It will be held in the Community Room. If you have cakes you can drop them off at 9:00 AM.

Finally, I would like to take this time and opportunity on behalf of our whole entire Parks & Recreation staff to extend our deepest sympathies to the family and friends of Darrell J. Williams. He was one of our volunteer basketball coaches, at the age of 31, who passed away last week and he was just so wonderful to this entire City. Again our deepest sympathy goes out to his entire family and friends to Darrell J. Williams, our thoughts and prayers are with you. Thank you.

Mayor Cervenik – Not only have we lost a friend in Darrell J. Williams, this past weekend, we also lost Paul J. Hribar. Paul is 91 years old and an attorney in the City of Euclid for as long as we can all remember. He served diligently on our Charter Review Commissions. He was very active in various Slovene Societies, in the Veteran's Club, American Legion, Kiwanis Club, Euclid Exchange Club, he just dedicated a whole lot of his life to giving back to the community that he lived in and that he loved. I think all of us for the Hribar family as well as the Williams family, if we could all just stand for one moment with respect and honor with a moment of silence. Thank you.

Director Johnson – Our tax department on an ongoing basis provides taxpayer assistance to all of our taxpayers. What I wanted to make note of and bring your attention to is that for the dates March 24, March 31, April 7 and April 14, we will have an additional person that will be provided through CCA that will be here to provide taxpayer assistance on those days between 9:00-4:00. We will be providing assistance to all taxpayers in addition to those days, but we will have an extra person on that day.

I'd like to give you a telephone number just in case, there's no appointment necessary, but you can call to make sure, so that there's not a lot of wait, 289-8360 or 289-2762. I'd also like to remind you that this is the first year that our filing deadline has been changed to April 15<sup>th</sup> which coincides with the federal tax filing deadline. Previously our filing deadline was April 30<sup>th</sup>. Those two things I would like to bring to your attention and if we can provide you with any service, please call. Thank you.

Mayor Cervenik – Now I would like to turn it over to Police Chief Maine, who has an announcement of his own, as well as we have some very special awards for various members of our Police Dept.

Chief Maine – I would like to announce since I have received a lot of phone calls and inquiries about Officer Tom Yanacek, one of our Traffic Officer's, he was involved in a motor vehicle accident while on duty last Monday afternoon and was seriously hurt. He had surgery on Friday and was released from the hospital yesterday. He's home, he had some rather extensive surgery to his leg and pelvis. I know that he would appreciate any calls and cards and that sort of thing. Many people know Tom, he does a great job for us and we wish him a speed recovery.

Chief Maine and Capt. Doles presented the Annual Police Department Awards for the year 2004.

Exceptional Service Award: P.O. David Roose and P.O. George Brentar

Meritorious Service: ERT Unit: Sgt. G. Mrofchak; Sgt. J. Savage; P.O. M. Atchley; P.O. M. Janson; P.O. J. Barron; P.O. K. Kelly; P.O. D. Carpenter; P.O. J. Madachy; P.O. M. Caruso; P.O. D. Roose; P.O. G. Costello; P.O. F. Royce; P.O. M. Grida; P.O. P. Wittreich.

Injury on Duty: Chad Daubenmire

Employee of the Year: Helen Fleck

Officer of the Year: P.O. Michael Caruso

Mayor Cervenik – Last but not least we have a report from Law Director Frey.

Director Frey – This past week the City received an entry from the Federal Appellate Court in Cincinnati relative to the Providence Baptist Church law suit and the appeal that was taken by the Hillandale Committee relative to that settlement. The impact of the Appellate Court decision is that the appeal will go forward despite the City's efforts to cause the appeal to be dismissed. That process, the appeal's process can take up to two years to concluded.

I learned today from the assignment clerk at the Circuit Court that there are in the neighborhood of 6,000 appeals pending before the 6<sup>th</sup> Circuit. Why does this matter? It matters because in the Consent Entry with the City of Euclid, Providence Baptist Church waived any damages and attorney fees if all litigation involved with the case ended within 120 days of the filing of the Consent Entry. That 120 day period has now passed. There is litigation continuing. What that means to us is the waiver of damages is gone and the city is at risk for a damage award should this case proceed in the normal course of the appellate process.

The claim for damages to date had been in the neighborhood of \$1.5-\$2 million. Obviously that's subject to its own set of litigation and establishing of those claims by a preponderance of the evidence. By proceeding with the appeal, Mr. Conway and Mr. Phillips, the attorney representing Hillandale Committee Limited, have assured the city that the waiver of damages is gone. We will look at every opportunity to resolve this case as quickly as possible. We will look to take whatever steps are permitted the city to allow the church to build its home of worship and the homes that it wishes to build within the plan, the subdivision plan that would be approved by the City.

It is important to do so, sooner than later. It is important to do so, so that we mitigate the damages facing the city. It is important to do so, so that if there is a damage award, that damage award can be born by any bond, or stay order that's obtained by the Hillandale Committee Limited.

In other words, the actions of the city in this case will be to minimize the city's risk to the extent possible and to put the burden, if any for damages where I believe it belongs and that would be with the Hillandale Committee who brought the appeal. We will keep council informed as the case proceeds. There is a status conference scheduled, a telephonic conference scheduled for mid-April. The briefing schedule has been established in the case, final briefs are not due until mid-July. As I said, it is not surprising, nor would it be unlikely that this case would proceed for another two years before it is finally resolved in the appellate process, unless the parties are able to come to some earlier resolution.

As those proceedings develop, I will keep Council informed so that you can understand exactly the city's position and where it is relative to it's financial obligations in this case. Thank you.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the 2004 Annual Police Report; Humane Officer's Report of February, 2005; Executive Committee Minutes of March 9, 2005; Safety Committee Minutes of March 14, 2005; Board of Control Minutes of 2/28/05 and 3/5/05. Councilman Langman seconded. Yeas: Unanimous.

#### COMMITTEE OF THE WHOLE

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

President Sustarsic – This is the public portion of the meeting where the public can come up to the podium and address anything that's on the Agenda. Keep in mind again that #19 was pulled relative to the Shore Development Centre.

Mr. Jerry Corbran – 24250 Maplewood Dr. Even though #19 has been pulled, I'd like to speak to it, if I may. Allocating only 12 rooms in the auditorium wing at Shore Cultural will have a devastating effect on the thousands who use the facility. For instance, did you know that there are 35 rooms now permanently occupied, including 9 that are used exclusively for Shore Board programs. Fifteen are used for education purposes, ten are used for cultural activities that's music, art and theater. Six are used for public service, that's day care and the hunger center. Two are used for the office and boardroom. Seventeen rooms are leased long term on certain days by various groups. There are two for meeting rooms, four for public service, that's

Mednet, Jaycees, Red Cross. Eleven churches use these facilities and three are for gym use. Then there are the countless special meetings, seminars and parties throughout the year.

The permanent tenants and the long time occasional users now occupy about 28,000 sq. ft. They face a space allocation of only 9,000 sq. ft. in the new arrangement provided in #19. A great number of them are going to have to find other facilities. Now it has always been mystifying on how priorities are set in this city. Cultural activity gets lip service and survival problems while golf, skating, basketball, baseball, softball, and other sport activities, along with the senior programs get a high priority attention and funding.

Is it too hard to believe that a great number of our residents would prefer to sing and dance, play a musical instrument or paint a picture rather than play softball or swim? In regard to #19, I've asked my legal counsel to look at the emergency clause in that. As you are looking at it again, he finds serious flaws. I respectfully ask that the emergency language be removed when this is returned to the Council floor. I thank you very much.

Mrs. Mary Hagenbaugh – 20200 Hillcrest Dr. I'm just here to urge support by Council on two items on the agenda. Item #5 which is to renew the grant for the Neighborhood/Tenant/Condominium Associations throughout this city. I'm currently president of Euclid Villas Homeowners Association up in Ward 4 and we would strongly encourage Council to pass this item on the agenda tonight. I know our organization certainly uses the money to provide some events for our area and we do this in conjunction with Indian Hills. I'm sure every other organization in the city uses it for worthwhile means as well.

Item #7, this is to provide a police mini-station and community police athletic league center for the area of Ward 4. This would be in front of the old GM plant. I would strongly urge Council to pass this measure as well. This facility will provide a positive police presence as well as a facility for positive activities for the youth in our area. We certainly can use it in our section of the city, so I urge passage on both these items. Thank you.

Mr. William Hilf – 891 E. 237 St. Euclid. I'm here to speak tonight on items #15, 16, 17, 18 and using them for reference #19. We've all heard the proposal for #19 that was given awhile back by the development corp. group that would like to turn Shore into condos. However, I feel that the items that were presented by Councilman Delaney and Council persons Langman and Mancuso tonight would have a more long-range, positive effect on the City as they would develop a larger portion of the city and we would still be able to maintain the culture that takes place at Shore and if this would happen and it was handed over to the Shore Corporation, you would actually be able to have tenants stay in the building instead of having them fleeing because of the uncertainty they've been facing over the last let's say 10-15 years that this has been going on. Every so often we're being told that some new idea is going to happen to the building and that it won't be there any more or it will be there in a much smaller state.

Since these plans started becoming more concrete for the condos last year, we've lost most of our church groups. We've had several artists move out and right now truthfully as a tenant on the second floor of the building, on a Saturday, even a week night there, it's pretty much a ghost town now because everyone's afraid to rent there. When they closed WCCI, out in Lake County, we could have been going after those tenants, but why would they have wanted to move into another building that faced a very uncertain future. I think that the plans presented here tonight have much more of a long term effect for the city and will keep Shore as a cultural center which is what it is supposed to be.

Mrs. Evelyn Stroud – 22304 Lake Shore Blvd. I'm talking on 15, 16, 17, 18 about the proposal that the Shore Board has presented to the City. It is my honor and privilege to be a member of the Board of Trustees of Shore, have been for sometime and it's been very rewarding working with the quality of people that we have on the Board and in the City of Euclid that volunteer their time for many, many different venues.

I probably will be telling you everything you already know about Shore and we feel that Shore is an intellectual, cultural, social home for many people in Euclid and also a worship center for many people. We have the Euclid Orchestra, the UpStage Players, Silhouette Productions, Hunger Center, the Adult Literacy Education Dept., Love-N-Care Day Care Center. We have ethnic dancers and other programs of culture and social opportunities for people to meet new friends doing things they both like. We feel that it's imperative because of the nature of what goes on in the building that the building be preserved for the purposes that it is now being used and for the future it should be designated as the Cultural Centre and kept so we do not lose this prized possession. Thank you.

Mrs. Del Tekieli – 5 E. 221 St. You're probably wondering why we submitted a proposal today after all these years. Well a couple of years ago there was a Resolution passed and at that time we felt that the city was going to take an active role in making this building a success.

I'm not sure that you're aware of it, or maybe the public isn't, but the economic impact of the Shore Cultural Centre is truly an anchor for downtown Euclid, it is really significant. More than 1,000 people a week utilize the building and most of whom would never come into this area if it were not for the activities at the Centre. Yesterday I tried to get into the parking lot at 3:00 when the Grease production was going on and I couldn't find a parking spot. I parked over in National City's lot and walked across the street.

Shore's visitors patronize local restaurants, gas stations, grocery stores, other retail and service businesses both before and after activities in the building. Losing more than 1,000 potential customers per week would be devastating to downtown Euclid. A Shore Cultural Centre truly is a strong anchor for downtown Euclid.

As more activity at the Centre is generated, the economic impact will increase. Extended hours will bring more people into the Centre, thus bringing more potential customers into the downtown area. Once the building is transferred to the Board, and potential renters understand that the building is stable, the rentals will increase. Increased rentals of permanent tenants will contribute more tax dollars into the City, the Schools and the Library. Potential tenants in the business incubator and that's also talked about in our proposal, will build capacity for growth for local businesses and generate additional income and tax dollars.

Potential growth is evidenced by the increase in revenue from 2003 to 2004 without any significant marketing, permanent staff and the constant threat of the building closing. With a professionally managed building and staffed building, the rentals will increase for long term and permanent tenants as well as daily rentals. We definitely need a multi-level marketing campaign for the cultural centre and it has to be sustained.

I want to speak to one other thing. Over the past several months I have sat in my den with my husband and have been very upset by the comments on both sides of this body, both sides of this room. We're never going to sell condos, or anything else in the city on an upscale level if we continue to have a battle every time we have a council meeting. In a Judeo Christian community, I think it behooves us to stand up straight and to show a little class and to stop this constant bickering. Thank you.

Ms. Maryanne Grisdale – 22571 Seabrooke Ave. I just wanted to say a couple things about the Shore. I'm also a Board member and I've been on the Board for about a year so I'm a relative newcomer. I'm very proud of the work we've been doing. I would just like to have you consider the proposal that we are presenting. We'd like to have the opportunity to keep the public, the building for public use in order to enable Shore to reach its full potential as a community recreational, social and cultural center. We believe that given the right circumstances Shore can become a symbol of neighborhood vitality and community revitalization.

I just wanted to, I have a little quote here from the National Governor's Associations on the role of arts and economic development. What they say is that cultural facilities and events enhance property values, tax resources and overall profitability for communities. In doing so the arts become a direct contributor to urban revitalization. I hope that you consider that when you look at our proposal. Thank you.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. Lower Lake Shore Drive sounds better. I had another piece of equipment that was almost dropped off on the Lake Shore side. Anyway Shore, #15. Those of us who have grown up during the Cold War knew the value and the fear that we had. Shore was a fall-out shelter, a designated fall-out shelter for safety. It has stood this community good stead from the day it was built and I hope past all of our lives.

You had fine police officers up here just a little while ago. I mentioned to a couple of them that I've run into in the past, where do you want the kids at Shore playing basketball and running things; or out in the street maybe getting into trouble. Think about it. What you do is for the future of ourselves as we grow older, and our children. That building is a fine building. Sure it's got aches and pains, you would too. But, it's not insurmountable. Back in 1997 we had thermal imaging of the roof. We had water infiltration. If you don't think water infiltration left alone will damage something, I'd remind you to take a look at the Grand Canyon.

There has been nothing done since 1997 when we had money. This is one thing that you're going to have to address. You keep the building dry, you keep the head dry and the feet dry, you'll go a long way in saving a building. The construction is solid. Windows, sure, I can give you a course on how to build windows and replacement parts. We can even offer those classes. We have a lot to lose and a heck of a lot more to gain. Think about it. Keep Shore.

Mrs. Dorothy Fike – 20271 Delaware Rd. I have a couple questions and also comments. On #2, the Harbor Town Incentive District, I still have quite a few questions on it and I know I won't go into it tonight, but I would like to know mainly about the permit for the marina how that status is. Also there is in my mind a lot of questions on these public purposes especially on the public ramp for the boat launch where that will be and what will be the incentive since that is all included under the public purpose. So I'd like to know how all those plans are coming along, not necessarily the condo park, but I'm more interested in the Lake part and what is going on there.

Also, 16, 17, 18 on Shore, I'm glad that Mr. Delaney is putting it into Committee, but I have several questions, I hope when you're considering it you will keep them in mind. I would like to know why, if I'm reading it wrong on the agenda, why you're a TIF district includes Blisswood Village? Isn't that where the condos are? I'd like to know if that's included and also has anybody talked to Euclid City Schools yet about their parcel and who owns the parcel that is vacant, undeveloped parcel behind Garden Home Estates. Those are some of the things I would like to have questioned and thank you for putting it into Committee.

I have another question on #21, the new Memorial Justice Assistance Grant. Is that a competitive grant? Or is that an automatic? I see it is replacing another grant, Local Law Enforcement Block Grant. I would like to know if that's a competitive grant or how it is going to be done? Will you answer it at the time it comes up on the Agenda? Thank you.

Mrs. Madeline Scarniench – 1511 E. 221. Couple of questions. Item #5, can you tell me when the time comes how many neighborhood associations have actually taken us up on the grant for last year? I would like to know who is in charge of that? Does that person actually verify that the group that applies is actually qualified to get the money?

Item #10, I'm totally opposed to. Just because the Ohio Revised Code has raised their price doesn't mean that we have to. Euclid has a luxury of having home-rule. I still like the idea of Council having a say on the amount of money that is spent that it shouldn't just be, well whatever we do, we can do. \$15,000 is still a lot of money. I still think that's a fine number and anything above that should come back to Council for their approval.

Items 16, 17, 18, 19. #16, congratulations to the Board for finally coming up with this plan. I think they should be given this opportunity. If you wanted to you can make a 5 year commitment and just drop everything else as far as this. Give them the same chance that the Henn people had to turn that building around. We know what they did. This is a much larger facility but if they're willing to try it, I think they should be given the opportunity.

#16 & 17, I don't understand. To me that sounds like pie in the sky. Because unless Blisswood is going to really do some renovations, there's no money there. Euclid City Schools, I don't know, do they pay taxes? I don't know if they do. Why after all these years, why would we think that they are going to do anything? That property has been the same since I was a little kid.

#18, that's a good one because its on the undeveloped parcel. #19, I'm glad it was pulled because I've gone to the meetings and I have many serious questions about the way this was written so I'm its pulled and we'll get a chance to hear it again. But not if you do #15, so thank you very much.

Mr. Vince Riha – 1515 E. 195 St. As far as items 15-18, Mr. Frey has talked about the problems we have and there's lies appall that hangs over the city. I think anything to do that would promote the cultural events and how good the city is, is very important and to maintain that kind of legislation. As Madeline pointed out, the Henn people took over and it worked just fine for them. So maybe its time the government got out of the Shore and let the people run it the way they want to run it.

Also, the item concerning the raising of the competitive bids, I think with the mis-management and management problems we've had with the money and finances that raising the bar is like opening the gate to let the fox into the hen house. Thank you.

Mr. Tod Guntner – 390 E. 257. This evening I am here to ask for your support on #5, renewing the Neighborhood/Tenant organizations. I know all or most of you, even all of you are members of an organization in your neighborhood. Maybe you might all want to put your names on this, that would be greatly appreciated. I'd also like you to support #6. This is a Resolution to appoint Patti Burlingham to the Euclid Animal Shelter Commission. We just had a vacancy and we need to replace that so I urge your support in that also. Thank you.

Mr. Russ Michaelis – 21931 S. Lake Shore. I have to apologize for not making more of these council meetings, so I'm pretty much behind the curve here. About a month ago the recycling program was discontinued. Recycling bins were taken away and it came as a bit of a surprise to me that in the midst of current economic and political instabilities that something like a recycling program wasn't somehow modified as opposed to terminated.

President Sustarsic – Excuse me, before you go on, I'd appreciate it, that doesn't have anything to do with what's on the agenda this evening, but we do have a Committee of the Whole at the end of the meeting where you are allowed to address anything.

Mr. Michaelis – That's why I said, I'm behind. Sorry about that. We'll be talking about that later?

President Sustarsic – Yes, thank you. Anyone else from the audience?

Mrs. Ann Raukar – When Mayor Cervenik was at the ....

President Sustarsic – Name and address please for the record.

Mrs. Raukar – I'm Ann Raukar from 272 St. When Mayor Cervenik was at the Fullerwood meeting, he gave a glowing report of the condominiums for Shore Center. So I thought I'd have no experience, or knowledge of what's been going on at Shore, outside of what I've heard and little that I've read. These are my sentiments about Shore Centre.

Mayor Cervenik, when you meet with Shore Centre Board it would be best you withdraw your plans and cooperate with people who have made personal sacrifices often under stress from your threats against Shore. To their credit and our appreciation, these people have kept Shore a viable structure and kept it from being a

\$900,000 hole in the ground at today's prices. Remember always, these are respectful, taxpaying citizens. If we can pay for jails and bag people, we can afford a center for our good people. Mayors come and go, but centers stay on. Changes can be made when necessary. I regret its to late for Briardale. Thank you.

President Sustarsic – Any more comments or questions on what's on the Agenda this evening?

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

#### LEGISLATION

##### **32-2005 (313-05) Harbor Town Incentive District**

An emergency ordinance authorizing the Mayor to enter into a Compensation Agreement pursuant to Section 5709.82 of the Ohio Revised Code with the Euclid City School District regarding sharing of certain tax revenue and service payments received by the City in connection with redevelopment activities in the Harbor Town Incentive District. (Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilman Gruber seconded.

Director Pietravoia – As Council will recall and members of the public, a few weeks back on February 7<sup>th</sup>, Council passed a Resolution notifying the School Board of our intent to establish a TIF District for the Harbor Town project. That notice once approved by Council was sent to the School Board on February 10<sup>th</sup> and I am pleased to report tonight that the School Board did vote on the establishment of the TIF District at their March 14<sup>th</sup> meeting. They approved the establishment of the TIF District unanimously and they also approved an agreement, we've had discussions, even prior to the notice being sent for many months now, we've had discussions with the School Board about the agreement that will be required between the City and the Schools when a TIF district is put in place.

You might recall that the State law requires that if the TIF that's proposed is for more than 10 years, in this case it is proposed for 30 years, or if the dollars that will be put into public improvements are more than 75% of the revenues that are generated, then the School Board has a right to weigh in on the decision to establish the TIF.

In this case, as I said, the TIF is proposed for 30 years. The sharing arrangement is 75% will go into public improvements in the project area and 25% will go to the Schools. I want to thank the School Board for their support in their unanimous approval of the establishment of the TIF, as well as the approval of the proposed compensation agreement. This is a very important step toward making this economic development project a reality. As I pointed out, the State law does require the concurrence of the School District in this particular case.

Not only has the agreement been approved, it has actually been signed by the School Officials and sent back over to the City along with the Resolution that was passed on March 14<sup>th</sup>. Both the Resolution and Draft Agreement are on file with the Clerk of Council.

I just want to go through a couple of quick highlights and explain to Council and members of public why this agreement that this ordinance authorizes is a win/win for both the City and the Schools. As I mentioned the first main point is that the agreement allows 75% of the revenues generated by the new development to be used to fund public improvements within the project area. This is in fact what makes this project a reality from a funding standpoint. The second main point is that the schools will benefit as well because they will receive 25% of the revenues that are generated from the new development.

In addition, as part of our negotiations we discussed with the Schools at their request what would happen to any new levies that were passed from this point forward. We agreed that in fact since those levies are unknown at this point, in terms of the 30 year period, and since they were not counted as part of our projections that 100% of those revenues from new levies from this point forward would go to the Schools, rather than the 75/25 split that I described earlier.

The Schools also waived their right under the law, there is a provision that says if the income taxes from new jobs exceed \$1 million in any given year that for the 30 year period there would be a sharing arrangement. We calculated and the School District did their own calculations that the only period that that is likely to occur is in the first year or two during construction. The actual income taxes generated from the construction jobs. So rather than go through the administrative process of determining that calculation every year, the School Board agreed to waive that provision in return for a one time payment of \$9,000 from the City of Euclid. That \$9,000 is the amount that we've estimated they would have received through that income tax sharing provision. This will allow us to make a single payment up front and not have to do the calculation for the 30 year period.

A couple of really important provisions from the city's perspective. The proposed agreement would indicate that in any given year, once we issue bonds to fund public improvements within the project area, in any given year, the first item that would be paid from the taxes that come in is the debt service to pay off those bonds. If there were a shortfall, in terms of what we would pay to the schools, for example we have agreed to pay 25% to the schools. If we need that money instead to pay the debt service, that would take first priority. This protects the City and puts us at less risk.

However, to be fair to the Schools, we've also included a provision that in the later years as the project gets stronger and the development is more fully complete, if there are excess dollars in the later years, we would go back and make up any shortfall in that 25% if that ever kicked in.

A couple of final items, we also have the right if we feel its necessary once the bonds are issued to establish a reserve fund of \$550,000 that in essence is about a year's worth of debt payments on the project. That would help protect us in case there was a shortage in any given year to have that reserve fund in place.

Finally, the agreement also states that in the later years, after the project has been up and running, if there are excess revenues that come in above and beyond what we need to pay off the bonds, that we would have the ability to pay off the bonds early or to fund additional public improvements if they were needed within the district. So we really believe that we have very carefully crafted this agreement and that it protects both the city's best interest as well as the schools and that it is a win/win for both parties. Tonight, we're asking for Council's support and approval of this ordinance so that we can enter into the compensation agreement with the Schools.

President Sustarsic – A long time coming, a lot of work, very appreciative of everyone that's worked on it over the years. At this point in time do we have any comments or questions from members of Council.

Councilman Langman – First of all, Director Pietravoia, you and your staff, and I see Ms. Kost is here, should be congratulated on their hard work for making this happen. Of course Mr. Price is in the audience, his investment makes it happen.

Just a technical question, we approve this this evening, does this automatically terminate the current TIF district that encompasses some of the properties in question?

Director Pietravoia – That is a question that came up at the beginning of this process. When we get to the second item on the agenda, there is language in there that I will point out that will rescind the district that was established in 1994. This particular ordinance will not rescind the former district. You're follow up question?

Councilman Langman – When you answer that, could you address both districts that sort of exist in that area.

Director Pietravoia – Thank you Mr. Langman for that clarification. This would only affect the second ordinance that's on tonight's agenda, would only affect the district that was put in place for the Harbor Town project. There was a second TIF established in 1994 that was related to the senior center project, that is not impacted by these ordinances, that would still be in place.

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

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

Passed.

#### **Ord. 33-2005 (284a-05) Harbor Town Incentive District**

An emergency ordinance establishing the Harbor Town Incentive District and declaring improvements to certain parcels of property in the Incentive District to be a public purpose for purposes of Section 5709.40 and 5709.42 of the Ohio Revised Code. (Sponsored by Mayor Cervenik)

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

Director Pietravoia – This is the ordinance that actually will put the Harbor Town TIF District in place. As was pointed out, Mr. Price is here tonight from K&D Group, the developer for the project, as well as our financial advisor Pat Kost from the Patco group and Bob Gliha from our department who has been working on this project for a number of years now. This is a very important first step toward making this project a reality. The ordinance was introduced several weeks ago. It has had three full readings. We did not take action on the third reading because it was necessary for us to undertake the first item that Council just approved on this agenda. We had to hear back from the Schools before Council could take an action on this item.

With that required action in place by the School District and passage by City Council of the School's agreement tonight, we are now in a position to actually put the District in place. There were several amendments to the original ordinance that I would just like to briefly go over with Council. They were primarily the result of the negotiated compensation agreement with the School District. If you look at your revised ordinance that was part of your packet this evening, it is on the second page, it is the fourth whereas statement, we have now inserted the date on which the School Board took their action. It was blank in the previous version of this ordinance on March 14, 2005. The terms at the end of the phrase, from the real property taxation, at the rate, was inserted and the for the period of established time herein, was already in place. At the rate, again refers to the compensation agreement that was just acted on by council.

The next Whereas statement is brand new, it was not in the original ordinance. Again this refers to the fact that Council has approved by a separate ordinance the first one tonight, the execution of an agreement between the Schools and the City. That was the reason for that insertion.

In Section 5, part 5, was a minor amendment there to reflect the agreement was put in place to compensate the School District pursuant to the agreement, the word agreement was inserted, and in accordance with Section 6 hereof, was inserted. Section 6 is also a new provision. That's why that reference had to be made above in Section 5.

The new provision in Section 6 describes the basics of the compensation agreement that I just went over on the first item. That is that there would be a 75/25 split, 75% of the revenues going into the project and 25% going to the Schools and also explaining that any new levies from this point forward that are non-renewal levies will go 100% to the Schools.

In Section 7, I believe it's the final amendment that was made to the ordinance, we have inserted at the end of that phrase Ordinance 180-1994 is hereby repealed in its entirety. This is the TIF District that Councilman Langman was questioning under the previous ordinance, that was established in 1994. This new District will take the place of the old one, so this ordinance had to repeal it in its entirety.

That is a summary of the changes that were made on the ordinance.

Councilman Langman – Just to address some of the resident's questions. According to Mr. Price, the advertising for the units are literally weeks away from the market place. So, the planning for the actual units is progressing quite well and it will be in the market place very, very shortly. The TIF is a prime component in funding the improvements talked about, but I'm sure the Mayor will agree, we're not done pursuing other sources of revenue to strengthen the financial picture of the project.

Finally the most important thing that Mrs. Fike asked is about the permitting. As you might imagine, there are many federal and state agencies that have a great interest as to what goes into the Lake. I think we just found out within the past few days that this marina harbor is probably the largest project on the Lake of that type that has been undertaken in 25 years. So the bureaucracy is being very careful in the process to assure that not only is wildlife protected, but water quality is protected and the property owners to the east are protected as far as the drift of sand. Right now, probably one of the major items that is still ongoing is all the various permits. I know that the engineers that Mr. Price has retained is working on that. The administration is working with our political leadership at all levels to ensure that the bureaucrats that have charge of this handle it in an expeditious manner. Hopefully, if everything goes well within the next 3 to 6 months, we'll have most if not all of the permits, if not fully wrapped up and substantially taken care of.

Councilman Gruber – I also have a comment on another individual that is not mentioned very often, but that has moved this project ahead faster in 15 months than we've seen in 20 years and that is Mr. Frank Ilcin. He was kind enough to give us some expertise on financing and access to other forms that we hadn't thought of before and I know him and Mr. Price and the Mayor flew to Washington, D.C. along with Pietravoia with some sources of funding, so he is to be congratulated as well and I look forward to supporting this, thank you.

Mayor Cervenik – Before you vote, I would just like to say that the 15 months of being Mayor, we have spent a great deal of time on this project, at least weekly, if not 2-3 meetings every week on various aspects of the development. First and foremost, Doug Price is in the audience, Karen Harrison and all the staff at K&D, the main players there have been very cooperative and have worked very hard to make this a quality project. My Director Frank Pietravoia, as well as Bob Gliha, Jim Sonnhalter have been very, very involved as well as all the Directors. The Law Department has been here, Recreation, Service and Finance. It was a real team effort and I would be remiss if I didn't thank the School Board, the Superintendent and the Treasurer for being active and very cooperative, as well as our hired guns, Pat Kost, who is our financial consultant, who is here tonight and also Gigi Benjamin our legal counsel. I know we have put together a project that can work, will work. The great part about it is that now we will be pursuing those additional funds to not only make sure that the boardwalk at some time in the future is extended all the way to Sims Park. We think that we have some other recreational and public access items that will come from as well. Our federal representatives and state and county representatives have been very cooperative as well. As I've said, it is a team effort. I'm going to be glad to see that ground breaking, hopefully in June or July. It is a project we're all going to be proud of. We can all be proud of it because we all work together. Last but not least, thank you City council for your support through all of this. Thank you.

President Sustarsic – It has been awhile in the making, but again with all the cooperation and support of everyone involved, this is a very welcome improvement to the community that has been talked about for years and years. I look forward to it enhancing the whole community, not necessarily just the lakefront but to have everyone take advantage of it.

Councilman Delaney – I have question that comes to mind maybe as you work so diligently on this, we could get an update on the break-wall if Mr. Pietravoia or the Mayor or someone could tell us about the status on that.

Director Pietravoia – As was reported earlier, we are going through the permitting process with the Army Corps of Engineers. Mr. Price is also working on, given that its been well over a year now that he obtained estimates, he's also working on updating the estimates that were originally provided for the break-wall. The break-wall as was shown in the drawings a few weeks ago is still pretty much in its original form. The size of the marina is expected to have about 200 slips. The estimated cost for the break-wall, I believe was in the \$5.5-\$6 million range and that's the estimate that we're currently in the process of getting updated.

Councilman Delaney – Same break-wall from three and a half years ago when the project initially was put down in front of the project.

Director Pietravoia – I can't speak to whether the physical form is exactly the same, but its generally the same as the original concept.

Councilman Delaney – I'll have to find it, but we did have a time-line and I thought we'd further along at this point on the break-wall, the breakers that are going to go in.

Director Pietravoia – In terms of the actual construction?

Councilman Delaney- Correct.

Director Pietravoia – It wouldn't be physically possible to do that without the TIF in place which will potentially fund a portion of that part of the project. This financing mechanism will make it possible to go forward on the whole project as a package.

Councilman Delaney – Did the federal government or state government, did the problems there have anything to do with the inability to come up with federal dollars or state dollars for the breakers?

Director Pietravoia – Not to my knowledge. We were in line last year to attempt to get funding for the project. We were advised to apply again this year, worked both with the area reps from both the House side and the Senate side. Just recently Councilman Langman is aware of this as well, we've submitted requests again for Fiscal Year 2006 to the Federal Government. We're following their normal procedure to get in line for those funds, for this coming fiscal year 2006, which starts in October 2005.

Councilman Delaney – That's great. Thank you very much.

Councilman Langman – Just to clarify some points that my colleague raised, establishing the district is in itself relatively straight forward. But you have to time it up so that the construction is in sync with the actual establishment of the TIF district. That way you maximize the years that you can divert revenue into the public improvements. It is almost like a chicken and egg scenario in that the developer has to feel comfortable that he is going to make a profit if you put out a good product. At the same time, we had to time up his feelings versus establishing a district to generate the maximum revenue over the maximum number of years. That then allows us to do more with those dollars. Could we have done it sooner? Perhaps, but I think we've made good progress and had a good pace to the whole project. Obviously you can't rush the bureaucratic process to secure the proper permits. So, I'm very pleased. Some of you probably know that I started getting involved in city issues over 5 years ago around this project. Over those 5 years we've made tremendous strides. This project is going to be a home run. There's no doubt about it. It is going to court, not only Euclid but Northeast Ohio in a totally different light. So, it is a very complicated undertaking though and once again I thank Director Pietravoia and the Mayor and the rest of his staff for their diligence.

Councilman Gruber – My colleagues and I would not object to having all our names being put on both these pieces of legislation, if that's okay?

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

Councilwoman Hufnagle moved to suspend the rules, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

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

Passed.

**Ord. 34-2005 (178-04) Vacate Short Miller**

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

Councilwoman Hufnagle moved for passage, Councilman Daly seconded.

Director Gulich – A week ago tonight we heard the presentation from our Traffic Supt. Again the brief history of this ordinance goes back to last year, the later part of 2004 we had the 6 public readings of it. It was agreed to be put into Committee. At the Committee Meeting we all agreed that we should run a trial period whereby we could study the traffic patterns before and then again during the change. We suspected there would be certain changes there. We brought those numbers back to Council last week and by and large the numbers brought no surprise. We did have one speaker address the forum that night, the Sunoco person who was concerned about the traffic pattern. We met with Dr. Posch since then and we very reassured by the numbers that we've given and I think we put his concerns at ease. Unless any of my colleagues have something to add to that, I'll just mention that this ordinance will not go into effect for 30 days because it is not an emergency. Mr. Anderson from Panini's is in the audience if Council needs to hear anything from him. I think he'll be ready to get going on the improvements he needs to do once this is in place.

President Sustarsic – It was my understanding that we'll be keeping in constant touch with the residents and the local businesses as to the progress and hopefully make it a very, very big success out of that.

Director Gulich – We would let the residents on 223 know when his plans are brought to the necessary commissions and they will be invited to the meetings and see what the plans entail.

Councilwoman Hufnagle – I just wanted to take a minute to thank the Administration for working so diligently with me on this. I don't want to attempt to thank everyone because I know I'd leave someone out, but I know that Mr. Monte Carlo, his guys worked very hard on this and we did something that we've never done before in the trial period and I want it known that I appreciate the effort that the administration put into this and I thank them. I'd also like to thank Mr. Anderson for being patient with us and waiting until we could work out this process. Tonight I especially want to thank the residents of E. 223. I think we all remember a few meetings ago where they voiced their opposition to this and I want to thank them for being willing to work with the City and come to a resolution that they are happy with and for being patient and open-minded and leaving the lines of communication open between the residents and City Hall. This evening I especially want to thank the residents. Thank you Mr. Chairman.

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

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

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

Passed.

**Ord. (311-05) Amend Sign Code.**

An emergency ordinance amending Section 1743.03 and Section 1743.24, and repealing and amending Section 1743.32, and enacting Section 1743.38 of the Building and Housing Code of the Codified Ordinances for the City of Euclid as outlined below: (Sponsored by Councilman Langman)

Councilman Langman moved for passage, Councilwoman Mancuso seconded.

Councilman Langman – Over the past few years, especially in the summertime I've had a few calls every summer regarding contractor signs. As we approach a construction season, we're going to see a lot of home improvement projects, a lot of roofing projects and so forth. Many times contractors put out their signs advertising who they are and so forth. In a few of those cases the contractor leaves up this sign for up to a month or two months. I even had one case where somebody left it up through the fall. This ordinance is designed to address that. After speaking with Mr. Petkovic in the Housing Dept. it was indicated that we did not have the language in our ordinances to address this issue. Although he is not here, he did have a big hand in it, so we turn it over to the Law Director to draft the appropriate legislation. In the course of drafting it, the Law Director found some sections of the ordinance that are incompatible with today's legal standing and the reading of our codified ordinances. That was the intent, but I'll turn it over to the Law Director for his comments.

Director Frey – This legislation because it affects the Building & Housing Code will need to be referred to the Planning & Zoning Commission for review and public comment. I think its an appropriate place because it does impact temporary residential graphics. It is a new definition added to the code to hopefully deal with a content neutral manner. For sale signs, home remodeling signs, and any other type signs that appear in our residential home districts outside of the apartment districts which have their own sets of regulations. I have attempted and hopefully as this goes through the vetting process in Planning & Zoning and in fact Council, we will find either that there is a consistent approach in this that does not get into the content unnecessarily of signs and yet as the Councilman indicated regulates the size of signs, how close they can be to the public right-of-ways and perhaps most importantly puts a time limit on how long they can remain in the yard. We are all well aware of litigation over for sale signs. I'm hoping that this comprehensive review of the residential sign ordinances will pass muster. I've looked at the most recent federal case law that I could find in this matter. And yet, I'm the first to say that I think it's very important for this to go through the public process and any of the business or home sale community has an opportunity to review this and comment publicly on it, either in the Planning & Zoning process or back here to Council. Thank you.

Councilman T. Sustarsic- Are there any other communities within the area that have legislation similar to this that you know of?

Director Frey – We attempted to review model language. We looked for other communities that regulate signs. Most importantly I reviewed the case law and looking at signs from other jurisdictions that have been challenged so that we could try to find examples where we could defend this type of regulation. I can't tell you that we've modeled this after a particular, we pulled pieces from several different ordinances in putting this together. The overriding concern was to make a fairly manageable, comprehensive review of the residential sign ordinances. We had pieces of it in various sections of our code and I was trying to pull those together into more comprehension able sections.

Councilman Gruber – Yard sale and garage sale signs fall under this as well?

Director Frey – They would. They would be a temporary residential graphic and would fall there. As Council is aware, I indicated several times in the past we have drafted a proposed ordinance dealing with yard sales. As an aside here, it is important to note that our current law and this makes no change to that, prohibits signs in the public right-of-way.

Councilwoman Holzheimer Gail – Director Frey or Councilman Langman, I'm curious whether you looked at the apartment district as well. I've noticed there is a number of signs now at some of the newly renovated and older apartment complexes that have signs every few feet announcing. I was wondering whether we could look at that as well.

Director Frey – I did not include the apartment buildings in this. They have a relatively comprehensive scheme. I may need to get reviewed and refined, or perhaps it is a matter of enforcement of the current code, but I did not include that here. That would have to be a separate issue, I believe.

Councilman Langman – To answer my colleague's question, since a lot of those signs tend to me for rent signs and those are ongoing commercial activities, I felt that it didn't really fit into what we're trying to accomplish here where you have the services being performed or you're having an election and then the signs tend to stay for a very long time. This, as the Law Director explained, gives us a cut off point. I didn't think in an apartment situation, at least from what I've seen, fits into that particular scenario.

Councilman Langman moved Ord. (311-05) to the Planning & Zoning Commission. Councilman Gruber seconded.

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

To Planning & Zoning Commission.

**Ord. 35-2005 (299-05) Neighborhood Assoc. Grants.**

An ordinance to amend Ordinance 15-2004 and authorizing the Mayor of the City of Euclid to renew the 2004 Neighborhood/Tenant/Condominium Association Grant for the year 2005. (Sponsored by Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilman Gruber seconded.

Mayor Cervenik – This is our neighborhood grant as you've heard earlier in the public portion that it is a very useful tool in helping our neighborhood organizations advance their causes, lessens the burden on their budget, allows them to communicate with their members. We left it in the budget. We felt it was an

important part of what we can provide to our residents. Question was asked who handles this, my assistant, Lisa Mayernik handles this. She reviews each and every application. First she sends out the applications, then she reviews what is sent back to make sure that the rules of the program are followed. I think they need to have at least two events, they need a financial statement. The other question was how many. I believe last year it was about 40 or so actual homeowner's associations requested and received the funding. We're hoping to exceed that. I would like to 50-60 apply and qualify this year. But it is a good program and we would sincerely ask your support. It has been going on for quite awhile and it should continue.

Councilwoman Holzheimer Gail – I just want to reinforce the Mayor's comments. Neighborhood/Tenant/Condo associations really do help make strong stable and safe neighborhoods. Anything from Block Watch programs to bringing the neighbors together so that they know each other, watch out for each other, help each other. They are doing a number of wonderful events throughout the community. Everything from block parties to regular newsletters, food drives, clean up the neighborhood drives, decorating their or beautifying their neighborhood and it really is a small contribution from the city to help make these neighborhoods able to do some of those activities. It is money well spent and really an investment into our neighborhood and our community. I would urge all of Council to add their names if they so choose and I urge your support for this important project.

Councilman T. Sustarsic – For those wishing to form an association, would they just get in touch with Lisa in order to get the money to start?

Mayor Cervenik- If they are going to form an association, I would ask to call Kristal Skovira, or call my office and I can refer them to her. She's very helpful in the formation of the homeowner's association. If there is a new homeowner's association that is formed, they obviously will qualify provided they follow the criteria.

Councilman Delaney – I have to agree with the comments of Ward 1 Councilwoman. They are so vital, so important. Just last week I was at the Tri Neighborhood Association and there were well over 20 people at the Library on a cold wintry night and these neighborhood associations form such a sense of community that when they gather like that and the information they get, the questions they have, I was really dumbfounded by all the important questions that they wanted to talk about. Really we chatted for the entire hour and a half. They really follow the city business and it was really, really refreshing. I think we really get a good bang out of our buck for this and it is for the future of our community, I think its vital. Thank you.

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

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

Passed.

**Res. 36-2005 (300-05) Animal Shelter Appointee**

A resolution to appoint Patti Burlingham to the Euclid Animal Shelter Commission.  
(Sponsored by Mayor Cervenik)

Councilman Daly moved for passage, Councilman Gruber seconded.

Mayor Cervenik – Patti Burlingham is a very active volunteer in PetPals at this time. Other members of their Board including former Councilwoman Fay Miller recommended that she be appointed to fill the position of Claudia Rose, who has resigned as a member. She's got some other things in her life she needs to, that occupy her time. Claudia Rose was a very positive member of the commission as well and we wish her best in her future endeavors. But I would like Council this evening to affirm Patti Burlingham as a new member.

Councilman Gruber – I volunteer at the Pound on Thursday night's with Patti and I have to tell you that I haven't seen a more dedicated, organized, faithful, I can't think of any more terms to describe her. She runs the show down there on Thursday nights. She jumps in and helps out whenever necessary. Truly committed, caring, compassionate individual and this is a fine choice for this position.

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

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

Passed.

**Ord. 37-2005 (302-05) Mini-Station**

An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to enter into a contract with Mobile Structures, Inc., for the purchase and installation of a prefabricated building that will serve as the mini-station and community/PAL center, to be located at 20001 Euclid Avenue, at a cost not to exceed Seventy Five Thousand Dollars (\$75,000.00) (Sponsored by Councilman Gruber by request of the Chief of Police)

Councilman Gruber moved for passage, Councilman Daly seconded.

Chief Maine – About two years ago when we decided to try to include the west-end of Euclid Ave. as part of our Weed-n-Seed target area, part of our vision included the thought of a viable and enticing mini-station community/PAL center. Handl-It tried very hard to help us out in that regard when they donated their guard shack, but that building really didn't meet the needs, it was too far set back and the physical environment just wasn't conducive to doing what we had to do there.

We then tried to identify what would be the proper place to put a building like that with the ensuing construction of the basketball court, the frontage area just to the south of that along Euclid Ave., seemed to be the best spot. We started into conversation and discussions with Handl-It about the use of that property. I'm happy to say that we have a Memorandum of Understanding with them for the use of that property. This piece of legislation will authorize the purchase of a pre-fab building that will serve as a mini-station and community/PAL center. This will help us in a long way meet the needs of the citizens, especially the youth component of our community. I would anticipate that it will get a lot of use. Because there are so few vendors that specialize in the manufacture of these kinds of buildings, we contacted those that we knew had a good reputation in the business. Mobile Structures was found to be the cheapest price as well as the best built of the alternatives and for that reason, we're recommending them. I can tell you that we also contacted Summers & Sons of Elyria, Ohio. Their quote came in at \$77,900 and also William Scottsman of Brighton, Michigan and their quote came in at \$90,000. For that reason we ask that you don't have to go out for advertised bids on this. I'll be glad to answer any questions.

Councilman Gruber – I would like to congratulate the organization for getting this together. I know we worked hard for many years trying to find a spot. We looked at the old Credit Union building on Euclid Ave., which is now a home to a tax paying entity. We worked with Handl-It. We worked with the new owners of the GM Inland Plant who are going to do about a \$3.5 million renovation there and they've offered some space. But it has been a problem finding the proper location because they needed to be close to Euclid Ave. so people could see them visually and it would be easy for the folks to get to. The good thing about this, it will be a drop-in center for the children. It will have some recreation activities, something that is much needed in that area. I have some good news for the Chief, the landscaper next door that cuts the grass at the basketball court has volunteered to do the landscaping at no charge in front of the building. So we'd like to thank Dennis from Unique Landscaping and very happy for this legislation. I hope my colleagues all approve it. Thank you.

President Sustarsic – I might also make recognition of the fact that of the \$75,000 that would be \$30,000 coming from the Juvenile Diversion Grant Fund, \$20,000 from the Community Development Block Grant Program and \$25,000 contributed by the Euclid Police Dept., Police Athletic League and various fund raisers that they have had.

Councilman Delaney – Just a couple questions about the sites. I remember when we unfortunately had Fire Station #4 close, if there was any thought about putting it into, I know there was talk about putting the mini-station in right after #4 closed. Was there any serious discussion about that?

Chief Maine – You're getting ahead of me, Mr. Delaney. Actually we're hoping to move our present east-end mini-station to old fire station #4. We're working with Fire Chief Cosgriff and his department. We anticipate that could save us anywhere between \$10,000-\$15,000 a year. Besides, it would be a better physical plant for us. So we're hopefully going to be doing that before too much longer.

Councilman Delaney – I'd hope that we'd always stay on track with someday its optimistically that we want to re-open that as a fire station. That would only make it more viable if we could keep it open with this changed usage and continue to put money into and make repairs and then when we're ready to make that next step. That's good. Mini-stations are always a double-edge sword, but they serve a purpose and I'm glad that you're still considering going into #4.

Mayor Cervenik – To further that, on the April 4<sup>th</sup> meeting we will present council with a three year capital program and in the year 2005 there was funding that's allocated if council so wishes to renovate and take care of the infrastructure of Station #4 just for that purpose.

Councilwoman Holzheimer Gail – Thank you Chief for bringing this forward to us. At the Block Grant community advisory committee we did hear a presentation on it and that group of citizens was fully supportive of this. I wondered if you could talk a little bit about the size of this and some of the activities that will go on inside the center.

Chief Maine – I'd be glad to. The building is going to be what they call a double-wide. It is two separate pieces that they have joined together. It will have full electrical and plumbing put in first. It will be put on a footer. The building size is about 66 ft. wide by 32 ft. deep. It will have a front deck as well as a back deck. It will be fully handicap accessible with the ramps. What we envision it as a mini-city hall if you will. We hope to be able to entice other city services to have part-time presence down there and some offices that will be available. But, most of all it is going to be a youth drop-in center with places for the kids to be able to do homework, have recreational activities, to simply have a place to hang out. It is going to be fully open while we have people there. Not only paid staff but also volunteered staff.

Councilwoman Holzheimer Gail – What the committee was excited about was the opportunity to bring services to the south-side on Euclid Ave. Now that the senior center has moved to the lakefront, perhaps having a senior outreach program, once a week, etc., you talked about that. Possibly the neighborhood associations being able to use that for meetings or small community meetings that might be able to use that space as well.

Chief Maine – That's the intention.

Councilwoman Mancuso – Just a point of clarification. Chief it sounds like you went through the process, almost like a bid process talking informally to these three different vendors. Is there a reason why we just didn't do the bid process and get it out there and over with?

Chief Maine – The biggest reason is there aren't very many vendors. The advertising to put out there is over \$1,000. It seemed to be money that could be better spent in another area. We felt that through our informal bidding process that we would have hit the people who would have given us bids anyway and by the prices we got back, that pretty much wore out.

Councilwoman Mancuso – Where did we get these three firms I think there were? Where did we get their information from?

Chief Maine – We asked them to give us written quotes and they did.

Councilwoman Mancuso – I guess I'm asking how we found them. I've heard of Summer, I never heard of this gentleman and then the other one. Did this just come to us informally by people who had heard about it?

Chief Maine – The Sergeant who is the Weed-n-Seed coordinator is the one who went through this process. I don't know how he identified these people.

Councilwoman Mancuso – It looks like you went through the process informally, on your own.

Chief Maine – We knew the Council would want to know this is a competitive price.

Councilwoman Mancuso – Thank you, good luck.

Councilman Langman – Law Director Frey, will this building have to go through any sort of architectural review board approval for materials and so forth?

Chief Maine – We've already been in touch with Planning & Zoning as well as the Building Commissioner. It will go through the same review process that any other building that goes up for the city has to go through. Because of our preliminary discussions we don't think that there will be any problems. We seem to be hitting all the things that they would be interested in.

Councilman Langman – Perhaps you can answer what sort of materials is this building going to be constructed with?

Chief Maine – You're asking the wrong guy. I have Sgt. Savage and Joe Madachy who is in the construction business went on site to the three different vendors and saw the way they were constructed. Patrolman Madachy was very, very impressed. He does home building in his off-duty hours and he says that these buildings are well constructed and will stand the test of time.

Councilman Langman – And they’ll be aesthetically pleasing for that stretch of Euclid Ave.?

Chief Maine – Yes.

Councilman Langman – Can you have one of those gentlemen e-mail us as to their opinions on what the structural material can be or is going to be?

Chief Maine – Sure. I can also see if I can get you a picture. It may not be the same color that was decided on, but it will be a pretty good idea of what it is going to look like.

Councilman Langman – Pictures always help. Thank you.

Councilman Daly – Chief Maine, we did receive an e-mail from a rental owner about possibly leasing space to the City in lieu of doing this. It seemed that his property was not in the targeted area. Did you address that with the person who e-mailed all of us?

Chief Maine – I’m not sure I know which one you are talking about? The Credit Union that we had explored at one time about a year ago?

Councilman Daly – This was from a Mr. McFarland who owned a building at 24700 Euclid.

Chief Maine – That would have been to far east on Euclid Ave., that wouldn’t have served our purposes.

Councilman Daly moved to close debate, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

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

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

Passed.

**Res. 38-2005 (303-05) Hazard Mitigation Plan**

A resolution to adopt a Multi-Hazards Mitigation Plan for the City of Euclid, as required by the Federal Government by 44 Code of Federal Regulations (CFR) Section 201.6, stating local adoption of a Multi-Hazards Mitigation Plan is mandatory. (Sponsored by Councilman Gruber by request of the Chief of Fire)

Councilman Gruber moved for passage, Councilwoman Holzheimer Gail seconded.

Chief Cosgriff – In November 2002 the Cuyahoga County Board of Commissioners received a grant from the Ohio EMA to support the development of this plan. This plan allows the County to locate its areas at risk and access the cost and magnitude of each risk, develop strategies and priorities to mitigate risks from natural hazard. Provide member communities of their risk management activities and minimize conflicts between the involved agency and provide eligibility for future mitigation program funds. Information for the plan was provided by the 56 participating communities in the form of questionnaires and the completion of a matrix and providing a risk structuring report. The plan identifies the greatest threats from natural disaster, most of the related to severe weather incidents. It identifies deficiencies in our level of preparedness and offers solutions for dealing with these deficiencies. Typically by obtaining State and/or Federal funding through the County. This plan is a working document that fulfills the mandates of the Federal Disaster Mitigation Act of 2000 and satisfies the requirements of FEMA and the Ohio EMA, as well as the needs of all of Cuyahoga County. Once this plan has been approved by local jurisdictions, FEMA will formally approve the plan. We will then become eligible to share in litigation program funds when they become available. I ask for your support of this resolution.

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

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

Passed.

A short break was taken.

**Res. 39-2005 (304-05) Firefighters Grant.**

A resolution authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to apply for and enter into an agreement to accept, if awarded, the 2005 Assistant to Firefighters Grant. (Sponsored by Chief of Fire)

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

Chief Cosgriff – With this Resolution, I'm requesting your approval to apply for the 2005 version of the Assistant to Firefighter Grant. As you know we have been successful over the past few years in applying for this grant, with our latest grant allowing us to purchase new turn-out gear and thermal imaging cameras. I will be coming before council in the near future to request approval for new cardiac monitor defibrillators for the rescue squad, as well as new extrication equipment for two of our fire apparatus. The 30% matching portion for this grant is included in the Mayor's proposed 2005 capital budget.

For 2005, once again a high priority has been given to request a focus on firefighter safety. We intend to make this appeal, targeting our Engine #6, for replacement which is a 1981 pumper without an enclosed cab. The national fire protection association recommends that vehicles lacking in closed cabs should not be used, even as reserve apparatus due to the danger to occupants if it is involved in a crash. We feel that we have a good chance of being successful with this request, although we are asking for significantly more money than we have in the past.

Another change for 2005 is the amount of matching funds to be paid by the City, which is actually a decrease from 30% to 20%. Consequently, if successful we anticipate being able to purchase a \$350,000 pumper for \$70,000. Obviously there is no guaranty that we will be successful, but if we are, we will not need these funds until at least fiscal year 2006. I believe this is a golden opportunity for us and we need to be aggressive in our request and I ask for your approval. Thank you.

Councilman Langman – Chief, if we were to replace pumper #6, what would be the resale value or could we even resale it or auction it off given its construction?

Chief Cosgriff – I would say it would be worth next to nothing.

Councilman Langman – So we would have to scrap it in other words?

Chief Cosgriff – You might be able to get a few hundred dollars from some retired fireman who wants to refurbish it and use it in parades or something like but, it is really not worth much.

Councilwoman Mancuso – What's been our history in the past with this particular grant? Our success and what we've used it on.

Chief Cosgriff – We've applied for it, three different grants. We've applied for four grants from years 2001 through 2004 and we've been successful three times.

Councilwoman Mancuso – And what did we purchase?

Chief Cosgriff – The first year we put a wellness/fitness program together and we got base-line employee physicals and work-out equipment for all the fire stations. The next year we got the turn-out gear and the thermal imaging cameras. As I said earlier, I'll be coming before you very shortly for the approval to expend the funds from our 2004 grant, which is the cardiac monitors and extrication equipment.

Councilwoman Mancuso – How many monitors will we be attempting to purchase?

Chief Cosgriff – Three.

Councilwoman Mancuso – What else? You said extrication?

Chief Cosgriff – Two sets of extrication. We've gotten somewhere in the neighborhood of about \$250,000 from federal funds over these three requests.

Councilwoman Mancuso – So you think our chance are pretty good of shooting for \$100,000 more?

Chief Cosgriff – I'm hoping for it.

Councilwoman Mancuso – Good luck.

Councilman Gruber – I just wanted to commend the Chief and his staff on working on this project for this sorely needed piece of equipment for the safety of the people of Euclid. We do need some new equipment and the way the budgets have been lately it has been difficult, so you are to be commended, you and your staff for looking into these pots for the money. Thank you.

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

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

Passed.

**Ord. (301-05) Amend Code-Amount to Bid**

An ordinance amending Chapter 109 of the Administration Code of the Codified Ordinances of the City of Euclid by amending Section 109.02(a) to increase the dollar amount of contracts requiring competitive bids to \$25,000.00, to reflect changes in Ohio Revised Code Section 735.05. (Sponsored by Mayor Cervenik)

Councilman Daly moved for passage, Councilwoman Hufnagle seconded.

Mayor Cervenik – I would ask that you put this into committee. We received a number of questions particularly from Councilwoman Holzheimer Gail to see just how many purchases this change in the Ohio Revised Code would affect. I would suggest that you put it either into the Finance Committee and/or Executive Committee, whatever choice is yours.

President Sustarsic – I would think the Executive Committee would be appropriate. We'll get with you as soon as we can relative to a date for that.

Councilwoman Holzheimer Gail moved Ord. (301-05) to Executive Committee. Councilwoman Mancuso seconded.

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

Passed.

**Ord. 40-2005 (298-05) Contract-Lining of Streets**

An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into a contract for the labor and materials necessary for lane lining of various streets within the City of Euclid (Sponsored by Councilman Tony Sustarsic by request of the Director of Public Safety)

Councilman Sustarsic moved for passage, Councilman Daly seconded.

Director Gulich – Certainly the legislation you all have been waiting on the edge of your seats for tonight. This contract will allow the city to advertise for bids and enter into contract to do the lane lining. It is an obligation borne by the Service Dept. and this will provide for the regular lane lines we see on all of our main routes. Our local crews, which Councilman Sustarsic was formerly on, will still do the crosswalks and other specialty pavement markings. I just want to mention, we plan on doing an amendment to our specifications this year. ODOT has used an improved spec, a few years ago we moved from a oil based paint to water based paint. We did notice a drop in quality with the water based paints. ODOT has revised that spec. It will still be water based, but we're hoping to get a better product by using this new specification.

Councilwoman Holzheimer Gail – What did we spend last year and what is budgeted this year?

Director Gulich – We spent slightly over \$21,000 last year. We will be needing to do a little bit more painting. Babbitt Road was not done last year. It wasn't necessary. Maybe a couple other small streets that escape my memory right now. The line item in our operating budget, which council approved back in October, \$23,755 is the operating budget line item.

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

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

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

Passed.

**Ord. 41-2005 (305-05) Hsg. Rehab Materials**

An ordinance authorizing the Director of Community Services and Economic Development of the City of Euclid to purchase housing rehabilitation materials and supplies (i.e., vinyl siding, etc.) from a qualified business enterprise, after soliciting for proposals, as part of the Community Development Block Grant program, at a cost not to exceed \$35,000.00. (Sponsored by Councilwoman Holzheimer Gail by request of the Director of CS&ED)

Councilwoman Holzheimer Gail moved for passage, Councilman Delaney seconded.

Director Pietravoia – Mr. Bob Gliha who is here this evening, our Community Development Block Grant Specialist is going to speak to this ordinance.

Mr. Gliha – This program was originated out of necessity when the lead-base laws and the effects of lead-based paint hazards became more apparent. The Federal Government put severe restrictions on the ability for departments such as ours to paint wood frame homes, which we have been doing for a period of about 10 years, rather successfully. It was recommended by the Federal Government that we start encapsulating these homes and they suggested that we start a siding program. I believe that program started about 10 years ago. Since the beginning of that program we have sided over 200 wood frame homes.

With the passage of this legislation, it will allow us once again to use federal funds provided to us by the Department of Housing and Urban Development through the Block Grant to purchase enough materials to side between 17-20 homes this year. We keep addressing our waiting lists. Our waiting list will remain constant at approximately 30 homes. What we get done this year will be in that waiting list and we will continue to hopefully receive the Block Grant funding to continue siding these 17-20 homes each summer. If there are any other questions, I'll be glad to answer them.

Councilman T. Sustarsic – That's a concern. I mean we passed a resolution because I know the federal government is looking to cut these funds to the Block Grant. Is this program going to be able to be carried into the future with these cuts?

Mr. Gliha – Quite honestly, if President Bush was successful in the elimination of the community development block grant, I think we all know of the tightness in our general fund. These programs would not be able to be picked up by any community using general funds. Your question is sort of parlays into our next piece on the agenda, the resolution commemorating and declaring the week of March 28<sup>th</sup>, Community Development Week. Going back last meeting or the meeting before we had resolutions in front of you urging the continuation of the Community Development Block Grant and that was sent on by the Clerk of Council to the President and our Ohio delegation and Congress. That was done nationwide. This past Friday afternoon, both the House and the Senate recommended off the floor to their various budget conferencing committees that the block grant not only be continued to be funded, but an increase in the funding should be made available for fiscal year 2006. The voice of the people and the communities are being heard by our Congressional representatives. I think it really shows that this program is not only important to the City of Euclid, but it is important nationwide.

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

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

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

Passed.

**Res. 42-2005 (312-05) National Cmty Dev. Wk**

A resolution commemorating and declaring the week of March 28<sup>th</sup> through April 3<sup>rd</sup>, 2005, as National Community Development Week in the City of Euclid.(Sponsored by Mayor Cervenik & Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilman Delaney seconded.

Director Pietravoia – As Mr. Gliha pointed out in the last item, we're asking for Council's support and this is being done nationwide to declare this coming week as National Community Development Week. The importance of taking an official action like this is it sends a clear message not only to our local residents about the importance of the Block Grant funds and the types of programs that we use it for, but it sends a message again to the County and to the Federal Government which it needs to be heard at this time. I do truly believe that the passage of a Resolution by Council a few weeks ago did have an impact as Mr. Gliha pointed out. Both the House and Senate are working toward, not only keeping the block grant program, but trying to get President Bush to increase the budget for next year. This local recognition again would help accomplish sending that message to our federal leaders.

Councilwoman Mancuso – Should we also put all of Council's names on this also?

Director Pietravoia – We would appreciate that support from all of council, yes, thank you.

Councilman Langman – Director Pietravoia or Mr. Gliha, could you just run down a list of some of the things that Block Grant monies go for and their importance to our local economy.

Mr. Gliha – Just like the prior legislation, the vinyl siding program falls under what we generally call the health, safety and well being weatherization program. That program not only does the siding, we also spray paint aluminum sided homes. During the winter we provide installation, weather-stripping, caulking, general weatherization to our homeowners. In addition to that we also provide smoke detectors, dead bolt locks and we try to correct minor code violations to help the elderly get by without having to take too much out of their pocket.

One of our big programs which is sort of a revolving program, but it pays for the administration of it is our EDCOR low interest home improvement loan program which is put out over a couple million dollars for low interest home improvement loans. Generally in the beginning of the program, mainly to the elderly, but it is help maintain our housing stock at the high level that it is.

Another service is what we call services to the handicap. That is where we provide handicap rails, handicap ramps for those that are disabled in our community. Of course, Euclid Senior Programs. We fund Euclid Senior Programs to approximately \$190,000 a year. In our commercial economic development aspects we have storefront renovation program, which I think many of you are aware of. Tailgating that is the municipal beautification program where we make improvements on public portions in front of the storefronts that are being renovated.

Those are generally the programs that are being funded and have been funded over the last couple of years. I believe we have received over \$28 million since the beginning of the program. We've helped thousands upon thousands of residents in the City of Euclid. We've helped over a couple thousand households to be co-compliant and help keep the upkeep of the neighborhood by having those homes remain compliant.

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

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

Passed.

**Ord. 43-2005 (306-05) Insurance for Employees**

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into agreements for medical, stop loss, dental, vision, prescription drug, and life insurance for eligible employees for a one year period commencing April 1, 2005. (Sponsored by Council President Sustarsic by request of the Director of Finance)

Councilman Daly moved for passage, Councilwoman Holzheimer Gail seconded.

Director Johnson – I don't want to take a lot of time, we had an extensive council committee meeting where Mr. Szana presented the results of the bids that we took for these particular services. What we are requesting is to renew contracts for the major medical, stop loss, dental, vision and to do new contracts for pharmaceutical which is prescription drug benefits and the life insurance plan. These are medical benefits for all eligible employees. If there are any questions, I'll be glad to answer them.

Councilwoman Mancuso – Director, the one year additional contingency that we have, will that come back to Council? Where we talk about medical, dental and we're going to review our dental. It says that we have a one year contingency to stay with them for an additional year. Will that come back to Council then in a year?

Director Johnson – As it is written, no. That would allow us to renew. It is an option to renew for an additional year.

Councilwoman Mancuso – Without looking at it again?

Director Johnson – Yes.

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

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

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

Passed.

**Res. (307-05) Lease Shore Cultural Centre to Corp.**

A resolution authorizing the Mayor of the City of Euclid to enter into a long-term Lease Agreement with the Shore Cultural Centre Corporation for the management and operation of the Shore Cultural Centre located at 291 East 222<sup>nd</sup> Street in Euclid. (Sponsored by Councilman Delaney)

Councilman Delaney moved for passage, Councilman Langman seconded.

Councilman Delaney – This is always a subject close to my heart, being on the Board and being President of the Board, I've had first hand knowledge and on the job experience working with all the current and new Board members. I really appreciate them coming out, coming out to the podium. I've known them for quite some time. All the community that supported this measure, its really a step that has been talked about in our community since the Board came in as a policy group.

Some years ago, two years ago as a matter of fact, the Board was approached by the City to take over the programs from the Recreation Dept. There was a lot of questions from that when that was proposed. There was a lot of what ifs and the Board took ownership of that project and it turned out to be a very, very successful endeavor. They actually brought a new employee into Euclid's fold and they have seen remarkable, remarkable growth.

I think this would almost follow along in the same measure as they proposed to us. I know that the proposal was sitting here when we got here, they did e-mail it to us. It is a very comprehensive, very well thought out proposal. Much of that would also include hiring additional people to work for their corporation, to fill the building up, to make it more viable, to bring it to what we would expect, to create a whole regional impact.

None of this is new. It has been discussed for years and years and sometimes with all the other options that are out there is when we bring this to the light of day and we really get to work on it, which I'm looking very, very forward to. I know that I said I would put it in my Business Development Committee. I'm sure there's other questions for those on Council. I hope they've had time to read the proposal. I know that Director Will has been involved with the Board longer than I have and this has been seriously talked about for a year. The question I have is that the Mayor has been involved in the loop, with all of these discussions and these meetings. There are briefings that take place?

Director Will – As far as the Board with this proposal, I have been involved in three meetings and the Mayor was briefed on these three meetings today, yes.

Councilman Delaney- The concern I have is that when I was on the Board and we had a lot of other proposals that the building would either be demolished or out of the city's control, there was always a dark cloud. It was always difficult to do business. All meetings were serious and this is our cultural centre and it should be fun, it should be very, very enjoyable. It is always an honor to working with all the different groups. So, where we have this competing proposal and I'm happy to see that the Mayor has pulled it, and I want to know has the Shore Centre Development Corp. Limited Liability, have they been informed that you pulled this legislation tonight?

Mayor Cervenik – I did discuss this with the development team. It was pulled out of courtesy until I have a chance to talk with the Board members about their proposal in a committee meeting, not here this evening. It wasn't pulled because I don't think we should go ahead with that project.

Councilman Delaney- The Board had taken out a quarter-page ad in the News Journal that stated they were against the development of that building by the private sector. This couldn't be a more extreme proposal. I would expect to work on this and I look forward to working on this with you, with your Directors. I would expect to have this in a timely committee meeting. The committee meeting that we will have on Wednesday night, although won't have this as part to discuss, but when I didn't get any, I mean, I had announced at the last Council Meeting that I would have legislation prepared. I have not received communications when your legislation was public. You had said today when you said you were ready to pull it that it was because of looking at the proposal this morning. I know that this has been talked about for an entire year. I know that it is their desire but you have an ordinance here that you are pulling that is an emergency ordinance, that it constituted an emergency. You were quoted in the paper that you didn't want this project delayed. We came here fully expecting it to be voted on tonight. When the Shore Center Development Corporation had their meeting at Shore, the second one I attended, I believe Arnie Goldman said that they absolutely needed site control. You had also mentioned in previous council meetings that you were worried about the construction season and that it was 45 days out that it would be on the Council floor. I want to know why, or I want to know what the Shore Center Development Corporation had to say about your decision to pull this?

Mayor Cervenik – I'm not quite sure what this has to do with the legislation and the merits of the proposal I received at ten o'clock this morning. I pulled this so I don't have to put the Council in a position of voting on what I feel is a very good plan without finding out a little bit more about this. I seem like I'm answering the question again, I informed the Development Committee and discussed it with them and they agreed that it would not be a problem if I pulled this under the circumstances tonight. Over the next two weeks before the April 4<sup>th</sup> council meeting, I plan on finding out about this plan, I want to see some financials, I want to see how it can be done. I'm open minded here. The thing we need to discuss is the merits of this plan.

Councilman Delaney – That's very, very refreshing to me. But again, as I said before, it is so difficult and they've done such a wonderful job, especially this last year. I can't say enough about it. It is exciting to look forward to a Committee meeting where all this good work is going to come to the light of day. But as long as you have the Shore Center Development Corporation's proposal on the table, that still presents a competitive absolute opposite direction than this legislation we're discussing right now. Would you be interested in putting the Shore Center Development Corporation's legislation into my Business Development Committee and we can add them concurrently? We had an agreement that was e-mailed to us on Friday night, that had a date of March 05. That said to me that you were ready to sign this agreement in March 05. There was absolutely nothing up to tonight when I heard this news that you were not ready to proceed. All the communications that were in the newspaper, all of the things that you said and I have to admit, I was a little dismayed when I saw that you were putting it on in the same Council meeting as I.

I would like to know outside of working with the Board and this is all good news, this is all great stuff to work on together, can we also look forward to a committee meeting or at least, can you tell me about a time-line that this Shore Center Development Corporation can give us, how long are they willing to wait?

President Sustarsic – Mr. Delaney, if I may interject. Just the fact that particular piece of legislation was pulled by the Mayor, it no longer exists on the agenda. Consequently in speaking to these particular resolutions that are on agenda, this should be the focus of the discussion. Consequently I would appreciate it if it would be kept to that.

Councilman Delaney – Thank you Chairman and we have batched up legislation in the past that we discussed together. I think that it is very, very applicable that the legislation, especially when it is so competing, that we talk about it together. I see no harm in discussing the two merits of these proposals. We don't have to go into depth. Council got the agreement on e-mail. We got it Friday. It was written. It changed the agreement. We have the lease in front of us. We have volunteers that have spent their lives. Evelyn Stroud actually worked with Kenneth Sims on a cultural center. That's remarkable. That competing legislation, I would like to know from the Mayor, from the Administration, are we going to get a chance to work hard on this lease and really bring it to City Council and give them a little light at the end of the tunnel? Because if that dark cloud continues to persist, then it's so to work, it is so hard to do everything else. Our Board is an outstanding volunteer board.

Mayor Cervenik – Mr. Chairman, I can tell you the time-line is probably 30 days. If we don't have the legislation passed for the development team, then they will have to walk away. I want to clarify something. I understand the Council person was dismayed that my legislation was on. I made it very public that our legislation was going to be on this meeting. So let's make sure you understand that. I did not put our legislation on this evening because yours was there. Ours was already on. I pulled it out of respect to what I received today. I'm willing to sit down and discuss it, but I'm not going to discuss it for six months. If we can't do something in the next 2-3 weeks, to solidify and come up with a plan that really is going to work, I am going to ask Council to act. If Council votes down our proposal, that's fine. That's the way the system works here. But we need to understand something. What I received today at ten o'clock, the proposal from the Board is exactly what I asked the Board to do and put together so that they can operate the west wing. They decided to think they can do the whole building. I asked them that they would be the body that runs the west wing, the cultural aspect that's all fixed up and raring to go when we do the development program. Mr. Delaney, I don't know how long you want to belabor this. It is my intentions to call Board members into my office and talk to them about it, see if they are very serious, where they are going to get the financial, what it is going to cost us. A lot of what I received today is very vague. I'm telling you I'm open, but I'm on a timetable for a real developing firm to come in and help us. I would strongly suggest this goes to Committee and it is discussed as I was told it would be this evening.

Councilman Delaney- Well I had mentioned that and I appreciate you respecting me. But again, for the Shore Center Development Corporation to give us 30 days. When did they begin their work on our proposal?

Mayor Cervenik – They began to work on this proposal, they first approached us back in April of last year and then I put them on hold because a number of other developers said they were going to come to the table with something and that never transpired. Mr. Chairman, again, it was my understanding that this was going to be

put into Committee and discussed fully. I really think that was the understanding and intention of this evening's actions.

Councilman Delaney – I would still like to hear from other members on Council. This is an exciting project and it is something that we all need to embrace. If the Shore Center Development Corporation had 11 months, than certainly we can give the Shore Board more than 30 days. It is really a volunteer board. They have limited resources. They also meet their goals of their day-to-day operations. Please, by all means feel free to have me come with any Board member or any discussions on Shore. I promise I'll make myself available. This is something, as you can tell, I can really talk about, I really enjoy and I really look forward to working on it.

Director Will – I just want to set the record straight of how some things have transpired over the last few weeks with the Board. I am a Board member of the Shore Corporation. I do represent and am on the Board on behalf of the Mayor. There is another member from our staff who is also on but is an ex-officio member and does not have a vote. It was at the last Board Meeting of the Shore Corporation on March 9<sup>th</sup>, where it was presented to the Board by the Board President that there had been a committee that had been meeting, a development committee that had been meeting in regards to a plan. There were two members, possible third one from the Board that were on this Development committee. They had been working together but had not informed the Board of what was happening. We had asked several times who was on the board, we had asked several questions about what was this all about. There was a lot of people on the Board that were not aware of that. We were then told that we will be proposed, a proposal from this development committee. Nothing happened. We left that meeting and then on Saturday, I believe it was the 13<sup>th</sup> of March, I received a phone call at my house from the President of the Board that we were having a special board meeting on Sunday, March 14<sup>th</sup> at 7:00 at a facility, not at Shore. I again voiced my opinion about that. Did attend the meeting on the 14<sup>th</sup>. We had talked, there was a one page proposal that was presented to the board. It was very, very brief but it was stating that they wanted to take the building over. At that point Councilman Delaney came in and did make us aware that he was going to be putting on Council floor the 4 pieces of legislation. The three items relating to the TIF fund and also the Board taking over the proposal. Questions were talked, Councilman Delaney then left. The Board members were left here in this room, we discussed it, there were several board members that did not feel that the proposal that we had that was going to possibly go to council was detailed. At that point we decided that there was going to be another meeting held on Wednesday, March 16 at Shore. We met at 4:30. Yes I was a part of that. I brought in all the financials. I wanted to explain to the Board the financial record as it is and how it has been, true facts of what happens in that building. We went through that. They understood. There was questions asked but they understood that the way the building was now being run that there needed to be a lot of changes. We spent \$5,000 on maintenance supplies. If they are going to take over the building, they need to look at utilizing a lot more money. They also needed to look at the staff. We went through that in detail. We left, one of the board members offered to take it and work on it at home. We had another board meeting, I'm saying a board meeting, there was another sub-committee meeting of this on Saturday at 10:00. I unfortunately did not get there until 10:30 and left at 11:00 because of another commitment. I did talk to them. I briefly saw it. I took back their draft with me. Yes I did make copies of it and I did present that to the Mayor, however, he did not get that until this morning. He did not get that until this morning.

Saturday night I received an e-mail at my house with the updated proposal with any comments. I briefly looked at it and that was the end of that. I did not, as of this point, still have not received a copy of the proposal that city council, other than on my e-mail. I know there's another ex-officio member, again, the other girl from the office that has not received it. I do just want to set some facts of how things had transpired as far as it went with myself.

I have two other items that I want to comment on is the Board did have several opportunities to put a presentation together. The Board does know how I feel about it, I've been working with them. I want to see the auditorium, it is a vital part of the City of Euclid to stay there. The auditorium. I thought the plan too was good. It would be wonderful to take a look at that and work with the Board and the other developers to see how they can develop the west wing.

The final comment that I do have to make, there was no vote from the Board to bring this to City Council. There was no vote as far as the article that was in the Sun Journal. There was not a vote by the Board. There were Board members that did not even know about that article. The article, the ad that was in the paper going against the developer's project, was paid for by members of the Board or an individual Board member. I'm not sure of the exact details, but it was not paid for by the Board and it was not voted upon by the Board. At least I was not part of that Board meeting when you had that.

I did just want to set a few items straight as how everything has transpired over the last couple of weeks with myself and the Board. Thank you.

Councilwoman Hufnagle – Ms. Will, am I understanding you correctly that this proposal that was delivered to us this morning has not been voted on by the Shore Board?

Director Will – There was not a vote that I was apart of , no.

Councilwoman Hufnagle – And you are a member of the Board and you have attended all meetings?

Director Will – I have attended a majority of the meetings, but on the proposal, yes, I have attended them all.

Councilwoman Hufnagle – I was concerned, you mentioned the article in the Sun Journal was actually an ad that was purchased and again the decision to place that add in the News Journal was not made in a Shore Cultural Board meeting, is that correct?

Director Will – That's correct.

Councilwoman Hufnagle – Are you familiar with the financial statement of the Cultural Board at this time?

Director Will – I have financial reports that we get at the Board meeting, yes.

Councilwoman Hufnagle – The last minutes I have states that there were no financials available at that time. But you can tell us that the ad for that newspaper was not paid for out of the Shore Corporation account?

Director Will – I did ask that at the Board meeting and I was told no, the financial reports, there's been some problems with them getting some reports from the bank. So we haven't seen them for 2-3 months. But I did ask the question and it was not paid for by the Board.

Councilwoman Hufnagle – This proposal that we have in front of us this evening, you have had an opportunity to look it over?

Director Will – I did have an opportunity to look it over. I did look at Saturday morning. It was a draft. I did receive an e-mail on Saturday night at home. I did take a look at it. This morning around 10:00 I heard that it was past out to Council members.

Councilwoman Hufnagle – Can I ask you a couple of questions on it? Page 3 where the overview ....

President Sustarsic – Ms. Hufnagle, I think if we can dispense with that for the particular time because ...

Councilwoman Hufnagle – Mr. Chairman, I think I disagree. If this has not come from the Board with a vote, then I don't see the point in having it as legislation. We can have discussion on this in a committee meeting, just as we had with the previous plan in a committee meeting. But, I do not agree with it being a form of legislation. It did not come from the Board with a vote, so therefore I think its inaccurate to have this legislation. I don't support that.

President Sustarsic – I would say in regards to that, the fact of the matter is the piece of legislation on the agenda tonight and it does have to be addressed.

Councilwoman Hufnagle – It is misleading. It is telling us that it is in agreement with the Shore Cultural Corporation but they haven't even voted on it.

Mayor Cervenik – If this is put into committee, we can rectify all of that. I've committed to discussing this in very quick fashion. I had a conversation with Councilwoman Holzheimer Gail. I've had some previous conversations with Board members. There's merit here, it needs to be looked at. We're not serving any purpose here this evening, we're really not. I really think the best thing to do would be to put it into Committee. It ends a little animosity, it ends a little bit of the confusion, let's work it all out and have a committee meeting. I really think that's the best thing for what we have here right now and we'll do it in short order.

Councilwoman Hufnagle – If we place this into committee, will the Shore Cultural Board be available to this body?

Mayor Cervenik – I am quite sure they will be, yes.

Councilwoman Hufnagle – I'm assuming this sub-committee that they have, the development committee, will they be available to this body?

President Sustarsic – We'll bring anybody in that you want us to bring in.

Councilwoman Hufnagle – Do we know at this time who is on that sub-committee Ms. Will?

Director Will – No, the development committee, or the sub-committee that was putting this together, this proposal that you received today, that yes, they will be part of talking to you about their proposal. That committee, absolutely.

Councilman Delaney – I would make my motion to put this into my Business Development Committee so we can have a full discussion on the proposal to lease the Shore Cultural Centre to the Shore Cultural Center Board of Trustees.

President Sustarsic – If I may counter with that, I would think with all due respect to your colleagues who are involved with this legislation and accompanying legislation as well, Mr. Langman and Ms. Mancuso, that they would have more of an impact if in fact it were put into the Executive Committee, as well as just having everyone on council being that it does affect the whole city.

Councilman Langman – I appreciate your concern over our input, but I would second Councilman Delaney's recommendation to put it into his committee.

Councilman Gruber – In lieu of some information for the meeting on Wednesday, I'd like to see if someone could come up with the last several months worth of financials for the Shore Cultural Corporation. They were not available in February or March. If that could be available to us at the meeting too, it would be appreciated.

Councilman Delaney- Just to remind you the meeting that we will have Wednesday won't be over the lease. As a reminder Council is kept up, I believe by the Shore Board's financials, they do include those in our packets. I would imagine that they are catching up on much of it.

Councilman Gruber – Not available for two months worth.

Councilman Delaney – They are probably on their way.

Councilman Gruber – I'd call my bank.

Councilwoman Hufnagle – Now I'm confused. If we made a motion and second it to send it to Councilman Delaney's committee, yet the committee meeting that he has on Wednesday is not going to be on this lease, exactly what are we doing? When are we discussing this here?

Councilman Delaney- I would tell the Ward Three Councilwoman that the committee meeting we're having on Wednesday is in your packet, the information of the meeting is there. So refer to your packet and read that. What I will do then is after I had some dialogue and I've set some agenda, I will call a meeting and that will certainly be in a timely fashion because I look very forward to working on this. This is a great idea and a great project. I think it is going to be nice to be able to show the city how much work they do do. I think if this debate is reflective of how many hours they put in, it certainly is a lot.

Councilman Langman – If I can kind of steer this back towards the legislation in front of us. I think this is a good idea to have options on the table for the building. I think that's a plus for the community, there's no question about that. Whether this option works or what the Mayor has sponsored works, you have to bet process. That's what this is all about, not necessarily all the details. You're not going to get all the details right away. But this begins the process that the Board of a sub-committee of the board has undertaken. You need to do this. It will generate a better outcome for the community.

I do have one question for the Mayor though. I hope Mayor by pulling the legislation that your still going to encourage comments or that we can at least vet the lease agreement that we got on Friday with some committee because there are several questions that have arisen in the lease agreement that I think need to be addressed and discussed.

Mayor Cervenik – Please pick up the phone and discuss them with me. That would be a great thing to do. I'd love to hear from you.

Councilman Langman – Well that hasn't worked so well in the past, but we can try it again.

Mayor Cervenik – You need to try it.

Councilman Langman – I think though that some of these issues probably do need to be vetted in a public forum rather than just between you and I. I would hope that when we do talk you would consider doing that.

Councilman Daly – Before we vote, I will not be supporting this going into Chairman Delaney’s committee. I would like to see it, if that motion fails a motion made to send it to Executive. We do need to take this up in a timely manner and our meeting Wednesday, we’re finally just getting around to looking at photographs that were given to Council back in June. I do think we need to discuss this, but I will be voting no on the motion on the table, but will make a motion to put it into Executive.

Councilman Delaney- To my at-large councilman, there already has a precedence that has been set. I have had Shore meetings in the past. I would like to say that I hoped politics wouldn’t be played here. I can’t imagine that there would be any other motive other than the best possible move forward for this building and these people.

President Sustarsic – Motion has been made and seconded to go into the Business and Commercial Development. At this particular time, please call the roll.

Roll Call: Yeas: Delaney, Holzheimer Gail, Langman, Mancuso

Nays: Daly, Gruber, Hufnagle, Sustarsic, Sustarsic

Motion failed.

Councilwoman Holzheimer Gail moved Res. (307-05) into the Executive Committee. Councilman Daly seconded.

Roll Call: Yeas: Daly, Gruber, Holzheimer Gail, Sustarsic, Sustarsic

Nays: Delaney, Hufnagle, Langman, Mancuso

Into Executive Committee.

**Res. (308-05) TIF Shore Cultural Centre**

A resolution authorizing and directing the administration to investigate establishing an Incentive/Tax Increment Financing (TIF) district benefiting proposed improvements to the Shore Cultural Centre (Blisswood Village). (Sponsored by Councilpersons Delaney, Langman and Mancuso)

Councilman Langman moved for passage, Councilwoman Mancuso seconded.

Councilman Langman – These next three items are a companion pieces to the item we just discussed. As we have seen TIF financing can be very helpful in financing public improvements like our proposal at Shore. This is the only the first step. This directs specifically Mr. Pietravoia to do some due diligence as to what can be done and what can’t be done with TIF in relation to Shore. I would like to send this into Committee, whichever one we wind up doing, so it can be fully vetted at that time.

Councilman Delaney – I would like to talk a little bit and talk to all three pieces to something resident Dorothy Fike had brought up. These would be very much exploratory measures. I don’t think that we might see all three of them. We would need to find out about the needs of Shore and how much revenue stream we would need. This helps to answer a question about where the money comes from. As we saw in the very beginning of this meeting how successful our TIF, tax increment financing has gone on the lakefront. This is ideally something that we could capture. One of our properties here has been in the original 1994 proposal. Some of the process that had gone through with Blisswood and Euclid City Schools, not just the vacant parcel that’s also part of the 1994 TIF agreement, but these are similar concepts in approaching developments. I was very fond of the process that we had at 205 where we brought several developers together that were interested in the project and we went through the process and we hit the marks and we chose one to develop that project and we brought more developers into the city that might be interested. The old hotel, it was demolished and we have a new development. I think through that process you get the best results.

It is not a new idea to discuss the school board property. I have had casual conversations with School Board members and both the past Superintendent Kurt Stanic and Joffrey Jones. It is a large tract, a large parcel. I think we could put a bus barn just about anywhere in the city. As far as Blisswood, we saw the development of 242 through Mr. Price. It is an obsolete property. It could be reinvested, reinvigorated, we could have not just one developer, maybe we could have several that could do that. These are pieces of legislation to identify that, to discuss it and I’m confident that this might be the first steps in bringing a bigger, master plan to downtown Euclid. Shore as the catalyst or the nucleus of that as we’ve heard so many times in the past. Thank you.

Councilman T. Sustarsic – Blisswood, which streets does that entail? Does that include Lakemont and Seabrooke and the streets going that way towards Shore at all? Which ones are we looking at, where the condos are at?

Councilman Delaney – The tax district would be established and it wouldn't necessarily just be Blisswood Village. We need to bring in the Community and Economic Development Department. We need to identify it. We need to come up with a scheme. Not unlike if you had followed what we had done with Paul Volke and City Architects. Doug Price partnered with the City to actually come and help us with the concept of what we did at 242 and what is happening at 205. He is the one that was also mentioned in the Shore presentation that did the building, Quay 55 on the lakefront. It was that kind of process that started that way. When you bring in new ideas to a large tract, a large parcel of land and different ways to approach it, I think there's a lot of good ideas that can be brought in.

Councilman T. Sustarsic – This is pretty close to home for me, my neighborhood. That's one of the reasons, with the last legislation I wanted Executive Committee. I just want to say so, I'm not comfortable.

Councilman Delaney – Naturally studies have to be done. We have to do our due diligence. A lot of the TIF stuff that we talked tonight has been three years in the making, so.

Councilman Gruber – This question would go to Director Pietravoia. To establish the TIF zone, find out the potential revenues, do you have a ballpark figure on what that might cost including this word that I haven't heard for about 15 minutes, studies? How long do you think that would cost and where would those monies come from?

Director Pietravoia – It is very difficult to anticipate at this point what the cost might be or how long it might take. I would suggest to you that establishment of a TIF as you've seen through Harbor Town is a fairly complex process and we've had to engage Calfee, Halter to advise us on that. We had already started the process as was proposed as part of the development proposal for Shore to look at a TIF as part of that project. We do have some initial information that we can share with Council for an area that would include the Shore building. But we have not, in any way begun to explore the other two areas that have been suggested tonight. I would anticipate a minimum of some legal cost, probably with Calfee that would have to be identified and a source of funds to pay for that. Probably approved by Council as well.

Councilman Gruber – We'd need someone like Ms. Kost that was here earlier this evening, would they be involved?

Director Pietravoia – I would say that it would be important first to explore the legal aspects of the ability to establish these TIF's and then once we get past that, we can look into what kind of funds the TIF's might generate.

Councilman Gruber – Do you have an estimate on what something like that would cost? What does our legal team get an hour and how many hours do you think it would be?

Director Pietravoia – For the Harbor Town project we have expended approximately, I believe last year we expended about \$30,000 for Patco and we have just approved a renewal of that for this year to complete the Harbor Town project for a similar dollar amount. I wouldn't anticipate that, at least an initial exploration would cost that much. But we're probably talking about some significant dollars between legal and financial consultants.

Councilwoman Hufnagle – Mr. Pietravoia, do I understand the TIF zone correctly that the money is going to go to the Shore building, then the Shore building has to be included in the TIF zone?

Director Pietravoia – There are a couple of different ways, there are probably six different ways under Ohio law that you can establish a TIF. The one that we used for Harbor Town as an incentive district. In most cases they public improvements that you are funding have to be within the district or directly benefit the district. So one of the first legal hurdles that we'd have to look at is how you could establish a TIF district on the lakefront or on the school board property that would fund improvements at the Shore building which would not be within the district. Just to elaborate just a little bit further on that and this is why we have someone like Calfee involved because it can get very complicated. Most members of council will recall that in 1994 we did look at a similar arrangement for the senior center. The laws have changed since that time where you can't as readily establish a district that's not physically including the area where you want to make the public improvements. That in fact became an issue even for Harbor Town as we were establishing the new district. I'm not suggesting its impossible, I'm just saying its more complicated and it will take some time to access the feasibility of doing that.

Councilman Langman – With all due respect to my two ward colleagues, I think they've jumped ahead about 20 steps. This resolution is formally asking the administration to investigate if in fact this were to pass. It would be the same as if I called up Director Pietravoia and asked him the very same questions. The reason

why we're doing it as a resolution to ensure that if in fact we got to that point, that it's done in an expeditious and timely way. I think its presumptuous to assume that asking this question, which is what these three resolutions do, is going to cost us \$30,000 or \$40,000. I don't believe that's true. This is simply done so that if we make progress, if what is proposed turns out to be the idea that we wish to pursue, that in fact that we follow up with the proper questions to see if its financially feasible. That's all these resolutions are. To expect to have all these questions nailed down tonight, that's not really what this resolution is about and you can't expect that to happen. Again, if this passes, this will formally instruct Mr. Pietravoia in this case, like we've discussed many times about the lakefront to investigate some of the legal hurdles, whether we can even do it or not. That's all this says. That's all the next resolution says and the one after that. That's why I think these should go into committee now, so we can discuss the entire board process and how, if that idea has merit, we can do it. That's all this says. Thank you.

President Sustarsic – I would suggest these go into the same committee naturally, as long as we're talking about the same subject. So if I could entertain a motion for that?

Councilman Delaney – To my Ward 4 Councilman who is sensitive to the studies, that the money we would have to spend to reinvigorate, rebuild to continue to compete with other cities, that's our research. To quote, John Glenn who my Ward 4 colleague has quoted, what good is research, you don't know until you do it. These are fine ideas and I look forward to seeing the results. Thanks.

Councilman Gruber – And I'm sure that 53,000 people in Euclid want you to spend the money doing it.

President Sustarsic – All right, we'll be looking forward to that research in the committee meeting. So it was moved by Sustarsic, is there a second?

Councilman Sustarsic moved to place the resolution in Executive Committee; seconded by Councilwoman Mancuso.

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

Resolution placed in Executive Committee.

**Res. (309-05) Shore Cultural Centre TIF School Board Parcels**

A resolution authorizing and directing the administration to investigate establishing an Incentive/Tax Increment Financing (TIF) district benefiting proposed improvements to the Shore Cultural Centre (Euclid City School Board parcels on Babbitt Road). (Sponsored by Councilpersons Delaney, Langman and Mancuso)

Councilwoman Mancuso moved for passage; seconded by Councilman Delaney.

President Sustarsic – I would trust all comments would be similar to this as to where the former one.

Councilwoman Mancuso moved to place the resolution in Executive Committee; seconded by Councilman Sustarsic.

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

Resolution placed in Executive Committee.

**Res. (310-05) Shore TIF Parcel behind Garden Home Estates**

A resolution authorizing and directing the administration to investigate establishing an Incentive/Tax Increment Financing (TIF) district benefiting proposed improvements to the Shore Cultural Centre (undeveloped parcel behind Garden Home Estates). (Sponsored by Councilpersons Delaney, Langman and Mancuso)

Councilman Delaney moved for passage; seconded by Councilman Langman.

Councilwoman Mancuso moved to place the resolution in Executive Committee; seconded by Councilman T. Sustarsic.

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

Resolution placed in Executive Committee.

**Ord. (314-05) Shore Center Development Group, LLC**

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into an agreement of intent to sell and purchase property with the Shore Center Development Group, LLC, for the Shore Cultural Centre, a public building located at 219 East 222<sup>nd</sup> Street, Euclid, Ohio. (Sponsored by Mayor Cervenik)

Pulled by sponsor.

**Res. 44-2005 (316-05) Edward Byrne Memorial Justice Grant 2005**

A resolution authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to apply for and enter into an agreement to accept, if awarded, the Edward Byrne Memorial Justice Assistance Grant for the year 2005. (Sponsored by Councilman Gruber by request)

Councilman Gruber moved for passage; seconded by Councilman Delaney.

Chief Maine – In the most recent federal budget that was adopted the Department of Justice had its funds dramatically reduced. Part of that shakeup resulted in the elimination of the Edward Byrne Grant as well as the Local Law Enforcement Block Grant. They combine them to make the Justice Assistance Grant. That grant has a life span of 4 years. We're not aware at this point whether that money will be allocated each and every year, but we have been told that there will be a funding for the year 2005. What that means is that the County of Cuyahoga along with the 6 communities that are compliant with the conditions necessary to be eligible in the grant are going to share a pool of about \$1.2 million.

There had to be consensus of resolution among the 7 entities, the County of Cuyahoga as well as the 6 cities that were listed here that the money will be allocated. There had to be a consensus, every entity had its equal share in that vote. To make a long and short of it, the City of Euclid is eligible and will receive \$30,000 of that \$1.2 million. Obviously, the majority of the money will be going to the County of Cuyahoga as well as the City of Cleveland. This resolution simply allows us to accept that money. We're still putting our proposal together for the expenditures of that money and we will be coming to you when we do expend it so I would ask the passage of this resolution. Thank you.

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

Councilwoman Hufnagle moved to close debate; seconded by Councilwoman Holzheimer Gail. Yeas: Unanimous.

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

Passed.

CEREMEONIAL RESOLUTION

**Res. 31-2005 (315-05) Slovenian Recher Hall Ladies Auxiliary**

Resolution of congratulations to the Slovenian Society Home Recher Hall Ladies Auxiliary on received the Federation of Slovenian National Homes "Slovene's of the Year" Award.

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

President Sustarsic – This is the public portion of the meeting where the audience speaks to the good of the City and on any issue for the good of the City, certainly. So please state your name and address. Step up to the microphone, if you. Give your name and address and it looks like we have a special guest with us this evening. And you might give her name, too.

Mr. Tod Guntner – 390 East 257<sup>th</sup>. I'm proud to present to the citizens of Euclid Sophie. This is our little girl that had a broken leg and dislocated knee. She's doing very well. She's got a very large pin right here, which comes out April 7<sup>th</sup> and I thought it only fitting since so many people donated so much money for Sophie to get her fixed that everybody should meet her. So here is Sophie.

Also like to remind everybody, again, we're having a fundraiser on April 9<sup>th</sup>, Saturday. That is our 2<sup>nd</sup> annual cake auction and bake sale and that will be from 10 to 2. The cake auction itself will be at noon. So thank you very much everybody, again, in the City of Euclid for donating for Sophie and Sophie absolutely loves everybody by the way. She'll give anybody a kiss any time. You all have a good night.

Mr. Victor Goodman – 20201 Glen Russ Lane. The First Amendment of the Constitution of the United States reads Congress shall make no law respecting an establishment of religion or the free exercise thereof or abridging the freedom of speech or of the press or of the right of the people to peaceably assemble and to petition the government for redress of grievances.

I was born in the 40s. Educated under the threat of nuclear holocaust of the 50s. Survived the turmoil of the 60s. I am the product of the rebirth of America when a country healed from the war of wars fostered by man's intolerance to man. I saw our country mold its new generation in Rock and Roll and I was proud to stand with my fellowman to herald in freedom and equality for every American no matter what their color. Two songs shaped by being Abraham, Martin and John and the Day the Music Died. I served my country in uniform and learned the price of being different.

Now, I come to the final cycle of my life and I find myself standing up here in front of a group of people elected to an office who swore to uphold the Constitution of the United States sit in silence while freedom of speech was usurped, ripped apart and destroyed. If a tree falls in the forest and no one is there to hear the sound, is there one? When freedom of speech is attacked and no one comes to its defense the ripples of sound are deafening. I'm sure that everyone will try to justify their inaction, but no excuse that you can ever conceive will justify your silence. You never get a second chance for a first opportunity. The moment to speak out has passed forever. But I will not be silenced and I will not go quietly into the night. I will never allow you to diminish the flame of liberty.

Who I am is best summed up by Paul Anka's words, regrets, I've had a few. But then again, too few to mention. I did what I had to do and I saw it through without exemption. Yes, there were times, I'm sure you knew that I bit off a lot more than I can chew. But through it all when there was doubt I ate it up and spit it out. I faced it all and I stood tall and did it my way. For what is a man? What has he got? If not himself, then he has naught. To say the things he truly feels and not the words of one who kneels. Let the record show I took the blow. I did it my way.

Mr. Harvey Mlachak – 23831 Lake Shore Blvd. He knows nothing. He thinks he knows everything. That points clearly to a political career. I hope my eyes hold out for me. If you ever inject truth into politics, I'm sorry, that quote was by George Bernard Shaw. If you ever inject truth into politics, you have no politics. Will Rogers.

From the book of political quotations. Under the chapter dissident, the dissident is every human being at those moments of his life when he resigns momentarily from the herd and thinks for himself. Archibald McLeish, whoever he was. But for that, Mr. and Mrs. Goodman, I ask you to stand up and take a bow and I give you two thumbs up. Mr. President for the treatment you gave the Goodman's at the last Council meeting I give you two thumbs down. I wish I had three. I'd give them all to you.

Politics Ruins the Character by Otto Von Bismarck. Politics is supposed to be the second oldest profession. I have come to realize that it bears a very close resemblance to the first. Ronald Reagan, March 2, 1977.

I felt that it was my duty to come to the defense of the Goodman's for the shabby treatment that they were given. I wasn't able to attend the last Council meeting; however, when I got the Euclid Sun Journal and viewed the Council meeting the next day, I was shocked by what I saw and read of the treatment given to Mr. and Mrs. Goodman by you, Mr. President. Not only were they called out of order and told to sit down, I still can't figure out why, Chief Maine was instructed to escort them from the building. What total abuse of power.

You also called two other people out of order for a total of 4. Mr. President, you hit a new high may I say you hit a new low. Just who in the hell do you think you are? I'm going to ask...

President Sustarsic – Okay, Mr. Mlachak, I take exception with that and you're out of order because, again, it's been said time and again. It's one thing to express your comments, one thing to express criticism but it's another thing to demean anyone's character, anyone sitting up on this dais be they Administration, be they members of Council so consequently, you're out of order and please take your seat.

Mr. Mlachak – If I'm demeaning your character, then, Mr. President, you have every right to cite me for slander. I don't think I did anything to tarnish your reputation. However, I'm going to ask you a question then I'm going to give you the answer. Does anybody here know what this is? This is Council President Sustarsic 4, the citizens of Euclid 0.

President Sustarsic – Mr. Mlachak, please, be seated. You're out of order.

Mr. Mlachak – I'm out of order? You want me to leave?

President Sustarsic – Please sit down.

Mr. Mlachak – I'm sure I don't know why I was asked to leave. I don't know what I actually did. I agree with what Mrs. Raukar said. She asked you why she was out of order. You couldn't give her an answer. Why, sir, am I out of order?

President Sustarsic – Please, be seated. Thank you.

Sgt.-at-Arms Nagy – Cane, Harvey.

Mr. Mlachak – I'd miss it in another couple of steps. Thank you.

Ms. Julie Nowak – 155 East 217<sup>th</sup> St. I had the privilege to attend the City Year Idealism in Action luncheon. And for anyone who doesn't know what City Year is it is a program within Cleveland. We are one of 15 cities and it's huge cities that have City Year. Basically, it's high school graduates who decide to give a year or two years of volunteer service to their community. They go inside the school districts, specifically the Cleveland School District, and teach children how to read and help with different programs. And I can't say enough how empowering and how enlightening and uplifting it was to hear a group of young adults speak so eloquently and put their idealism into action to do something so profound. And one of the great things that came from that luncheon, four of the members, four of the core members that did get up and spoke were approached by a very, I hate to give the name 'cause you never know if there's confidentiality agreements with people. But it was a very prominent, private school within our local area. And the president there of the university offered them 50% off of their tuition. So it kind of ties in with the school levy and the school board and how our schools are doing and it's part of what I've been putting together to write to the Superintendent and the Administration if this is something that the Euclid City Schools also promote within the Euclid City District. It might be something that could really help our schools.

I know for one I have many family members who have graduated through Euclid. I have two nieces who currently attend Lincoln. And I know I've heard time and time again for years now that the Euclid City Schools aren't that great and that's usually why people leave. But I've never been able to find any proof because everyone I've known who's attended Euclid City Schools does quite well. Goes on to colleges, has careers and are very intelligent very literal, literate, very well read people. I, myself, am going to support the school levy; but one thing I would like all of us to think about because it's already been said and I've, you know, just read their newsletter today that we received at home that they are very mindful of the task that they have to stretch every dollar that they get as we all are at home currently.

What I do ask is that, maybe, because I have approached some of the Board members and I've just been talking to some people about what my thoughts are of what we could do. I know I saw tonight that we were able to do it with Community Development and, on a national level somehow all the cities and everybody, you know, a lot of people, enough people wrote in and had resolutions or whatever it was that we sent in that nationally our federal government, which some of us are aware of, sometimes doesn't always listen to us actually listened to us and is keeping a very important thing funded when things are getting cut left and right. And I'm wondering if we can almost do the same thing as a state if not just a region. If northeast Ohio to our state government and to the people that who, continually that I hear are under funding us is one of the majority reasons why we have to go to the taxpayers and have been told, at least 3 times, that it's unconstitutional how they do it. And I know here, you know, watching on TV when I have to work overtime or, you know, reading the notes or basically, you know, listening here in the audience the Constitution's been mentioned time and time again and this is something that we all know is blatant. The Ohio Supreme Court has said it's unconstitutional, but yet we're being handed another levy and we are going to need to pass it to make sure that our cultural programs within the schools aren't cut. And I, for one, being an art student who thought it very important knows how important that is.

So I'm hoping that somehow maybe Council can work with, I'm willing to host a meeting, maybe we can do the same thing and send a message to the State of Ohio. Thank you.

Mrs. Madeline Scareninch – 1511 E. 221. Just a short plug for the people who live on the south side of the City, last week three new Abitibi Paper Recyclers were placed. One is over by our basketball courts at the Inland property. There's another that's over by the southeast side Mini Station and then there's another one that's on Brush Road in a parking lot across from Willo Arms Rental Office. All the paper that goes in there the money that, from those three boxes will be going to Euclid PAL so don't forget us. Thank you.

Mr. Vince Riha – 1515 E. 195<sup>th</sup> St. One of the Councilmen tonight has expressed his distain for studies and I have to concur because the problem with studies is nobody reads them. I've just been reading an interesting book. It was a 1995 update to the Master Plan and I come to find in there that the City owns a piece of property at Richmond and Brush. And my questions are I wondered if there's a plan in place with the Hillandale project that there's going to be some kind of a marketing plan to aggressively get rid of this piece

of property or development. And along with those is the questions of how was it achieved and how much did it cost us to get that property?

And also in that Master Plan was an interesting comment about us not becoming a city of dollar stores. So maybe that's one of the studies that we should look at and read and try to follow. Thank you.

Mrs. Ann Raukar – Of 272nd St. Regarding the last Council meeting, the ones out of order were on the administrative side of the railing of the Chamber's railing. There probably would be no audience here if the City's business was conducted without bragging and malice from Mayor Cervenik, Chairman Sustarsic, Councilman Gruber and Councilwoman Hufnagle.

President Sustarsic – Mrs. Raukar, Mrs. Raukar...

Mrs. Raukar – Much of it started during the previous Administration...

President Sustarsic – Mrs. Raukar...

Mrs. Raukar – There are personal hang-ups here that have got to go.

President Sustarsic – Mrs. Raukar, Mrs. Raukar, excuse me please. I, I told you last time and I'm telling you again...

Mrs. Raukar – You know I have a difficult time hearing you because of the, your, you have a low voice and I have a difficult so what did he say?

President Sustarsic – I, I was starting to say that if you could keep it on a decent direction level as opposed to, like I told you last time, it's not necessary to attack people...

Mrs. Raukar – Well, as long as I can continue I will continue.

President Sustarsic – As long as you keep it civil.

Mrs. Raukar – Your poor sense of values fires us up. The Oyaski/Cervenik Administration shirked their duties and responsibilities to their employer, the citizens of Euclid. They are responsible for real estate money diverted to the County Treasurer. What happened to that money? The citizens of Euclid did not have anyone to protect their interests in the Providence Baptist Church affair. Our lawyer is from the county headquarters brotherhood, sponsors of our Mayor.

Mayor Cervenik, it is very disgusting to hear you brag about the millions of dollars you saved Euclid in settling the church case. You are one of a group of people who dumped this millions of dollars problem on Euclid's door step. The whole deal from beginning to end was exploited without citizens' participation or representation.

I'm old, but should I be young, I would dread the future living with such as you and the former mayor. Thank you.

Mrs. Perlitha Taylor – 1495 E. 193<sup>rd</sup> St. I'm here to give an announcement to all Heritage Park Community Association. Please come out tomorrow for our meeting. It would be held at Central Junior High 7 p.m. We will be giving a basket to a needy family and also a \$25 gift certificate for Easter. The basket was donated by several people and we are taking the money out of the treasure. First, I would like to thank my daughter, Lakisha Taylor; Penny Riha and Vince for their donations and I want you to continue to help me support our neighborhood and show friendliness and neighborly.

Also, I want say, make a comment about the Goodman. I was very shocked to hear that they was escorted out when just the meeting before that someone came to the podium and called my name out several times and also made a statement that I was not black enough. If anyone of you know what that mean, I wish someone would tell me because I don't know what black enough is when I lived in the south. I know about drinking at color and white fountain. I know about riding at the back of the bus. I know about attending segregated schools and this is why I am so against segregation. I lived segregation for so many years. I witnessed my family in segregation and I was so ashamed that they would not stand up and fight. And that's why I made a pledge in my life. And at the meeting and talking and hearing Dr. Martin Luther speak and leading the young Black citizen to freedom and stop segregation and form integration. And it hurt me to my heart to know that we have a City that are ready to go back to segregation.

I pray to God that He touch each and every one of your hearts and stop this madness and come to reality. Let's become one in this City. Let the government work for the people because they was voted by the people not to destroy the people.

Freedom of speech is very important. People died. And you talk about groups that come up and ask questions because they are not satisfied with what they hear or what they see. Think about the women who

had to fight for their right to vote. This been going on for years. People challenge government. If you are a strong politician and you're doin' what you're supposed to do you wouldn't be afraid of a challenge. You wouldn't be afraid of people question you or your ability to run the city that they live in. I ask all of you and I ask all of the citizens that are out there tonight to search your heart. Think about what is goin' on. What is happening now, is it for the best of the City of Euclid? We all are taxpayer, whether we are homeowners or living in apartment, you are a taxpayer and you do have the right to question what your government are doin'. You have the right to question what is going on in your city. You have a right to come up and speak out and voice your opinion. You have a right to ask why there some people out of order and some are not. Some are allowed to get up here and talk about people, call their names, tell them they're not black enough. I'm offended. No one said a word but Mancuso. And I would like to thank you, Councilman Mancuso, all the other Council members that stand up and ask questions of what is goin' on with our city tax dollars. I want to thank you for askin' questions. I want to thank you for bein' considered about your citizen that voted for you. And at that note I would like to say good night and God bless you all.

Mrs. Del Tekieli – 5 East 221<sup>st</sup> St. I'll be brief. I'd rather be in home in my nightgown and I'm sure that you don't want to be here much longer either. I want to thank the Mayor and Council on behalf of the Shore Board. We appreciate very much your willingness to hear our proposal. We are working on the financials, but the financials will have to be done nose-to-nose and across the table with our Finance Director because there's a lot of information that we don't have. Of course, we can do projections; but projections can go anywhere from here to there. But we do appreciate your willingness to look at our plan.

And by the way, I don't know the Goldman's but I endorse their First Amendment rights.

Mr. William Hilf – 891 East 237<sup>th</sup> St. I'm here tonight to thank the 1500 or so people who came and saw our production of Grease at Shore Cultural Centre this weekend. Up Stage Players had three performances this weekend and we sold out every single performance. Had a record number of walk-ups. We have over 150 tickets sold at the door just Saturday night alone, which is a record for us. So we did over 1500 seats which is a record for us. And I'd like to thank everyone that came out in support of those children.

We had a cast and crew over of a hundred. I'd like to thank all of them for the hard work that they put in since December on this show. I'd also like to thank their parents who brought the kids out to every one of those rehearsals and who volunteered and put countless hours in making all those costumes, those props, those set pieces. Who cleaned the auditorium and sold concessions and did all that work for us. It couldn't have happened without them.

I'd like to thank the City for their support, members of the Administration and Council that did come see the show. Parks Director Will and Councilman Delaney, thank you for coming. The kids do appreciate when they hear that they do have City officials that time out of their busy schedules. And I know we were competing with the Big Show this weekend so, you know, we did have competition and we were still able to get that many seats filled.

I'm also here to talk about some of Up Stage Players future productions. We are going to be having a murder mystery as a benefit for the Friends of the Wickliffe Library. You can find out more by contacting the Wickliffe Library. It'll be May 20<sup>th</sup> and it's an adult production. It will be very similar to the one that we did for the Friends of the Henn Mansion.

Also, May 31<sup>st</sup> Up Stage will be holding auditions for its 5<sup>th</sup> annual summer show, which is called Take Five. It'll be a collection of one-act plays that will be performed throughout parks in the City. It's for actors ages 13 to 18.

And finally as a bit of fellowship for our fellow tenant at Shore, Silhouette Productions, I'm going to come up here and promote their show as well. They will be performing Jesus Christ Super Star Friday, May 13<sup>th</sup>; Saturday, May 14<sup>th</sup>; Friday, May 20<sup>th</sup> and Saturday, May 21<sup>st</sup> and a matinee on Sunday, May 15<sup>th</sup>. Chuck does a wonderful job with his shows. I'm sure it'll be an excellent production with a nice large cast of teens and adults and will be an excellent production. So once again, thank you, everybody, that supported Up Stage Players in their musical this year.

Mrs. Ginger Lennon – 22450 Seabrooke Ave. I am the President of the Elvis Shake, Rattle and Roll Fan Club and I am here to tell you about our free Gospel Sing that we have on Saturday, March 26<sup>th</sup>, at the Euclid Public Library. Call ahead for seating. The number is 216-310-2149. We will have coffee, tea and cookies. The Gospel Sing will be done by Walt Sanders, whom also is performing our April 16<sup>th</sup> benefit show. He will be singing a solid show of gospel from 2-4 at the Euclid Public Library in the large meeting room. I hope to see a lot of you out there.

Also, I am telling you about our April 16<sup>th</sup> benefit show for St. Jude's Children's Research Hospital and the Polycystic Kidney Foundation. This is to benefit those two charities along with Shore Cultural Centre theater auditorium. The show is called One Night with You featuring Walt Sanders and the Cadillac Band. This will be a Vegas-style show, all Elvis, of course, in the Shore Cultural Centre auditorium. For tickets call 216-310-2149 and this is on April three new Abitibi Paper Recyclers were placed. One is over by our basketball courts at the Inland property. There's another that's over by the southeast side Mini Station and

then there's another one that's on Brush Road in a parking lot across from Willo Arms Rental Office 16<sup>th</sup> at 7 o'clock. The doors open at 7; the show time is at 7:30.

Also, I would like to give you a little bit of history. Something that's very interesting that I don't think anyone, maybe a few Elvis fans might know. Back in the 50s there was a DJ by the name of Bill Randall. He was on WERE AM radio. He did a documentary called the life and the times of a disc jockey. In 1955 he brought Elvis Presley to Brooklyn High School along with Bill Haley and the Comets, Pat Boone and a couple other famous people. At that time, he did the life and times in the name of a disc jockey. Elvis did have film parts in this film. This film was shown at Shore and we are currently looking for this film because there's a huge anniversary, 50<sup>th</sup> celebration, at Brooklyn High School. So if anyone knows anything about this film, it is called the Life and Times of a Disc Jockey with Bill Randall. He was called the Piped Piper of Cleveland. So I'd greatly appreciate it if anybody could contact me, the number 216-310-2149 and have a great evening. Thank you.

Mr. Tom Cooke – 25641 Edgecliff. I first want to direct my comments to Council President Sustarsic. I am glad to see that you have gained control of the public speaking portion of the Council meeting. It's been long overdue. Civility must be brought back to these meetings.

To everyone who steps in front of this podium it is a privilege first, not a right, to step in front of City Council and the rest of this, the City of Euclid and express one's self. With that privilege comes a responsibility to act in a manner consistent with the decorum established by City Council and enforced by the Council President. The responsibility of every person that steps in front of this podium is to make statements and ask questions with the sole intent of benefiting the City of Euclid and its citizens. Anything less is not acceptable. Anything less should not be tolerated.

I am tired of certain people who have used this podium as a whipping post to continuously and relentlessly attack the Mayor and members of City Council. Although a speaker may express one's self in a way that may appear to be negative or make critical statements and ask uncomfortable questions that may not reflect well on the Mayor or members of City Council, a line is crossed when after a point has been made a person continually hammers away relentlessly, unabashedly without merit for the sole purpose of destroying another person's being.

I ask the audience this question. How does that type of behavior I have just described benefit the City of Euclid and its residents? The answer is easy. It doesn't. I have had my differences with the Mayor and at times with members of City Council. We do not necessarily always agree on everything. However, our behavior toward one another has always been civil and always with the best interest of the City of Euclid and its citizens in the forefront.

One thing seems to have been forgotten. Mayor Cervenik, like it or not, was elected to the office of Mayor by a majority vote and the last time I checked he's still the Mayor. Also, City Council, like it or not, was elected by a majority of vote and having survived a recall attempt, they are still our elected officials. They are the ones in charge. Everyone else must play by the rules they set forth. It is self evident that those individuals who have used this podium in the past to repeatedly degrade and shovel manure on our elected officials are by and large supporters of the recall of the Mayor. Whether or not they are just supporters of the recall or actual Euclid Awareness Committee representatives is not clearly known. What is clear is this. These individuals who have decidedly chosen to attack this Administration at every opportunity have, by their behavior, attached themselves to the Euclid Awareness Committee's agenda of recalling Mayor Cervenik.

If I was a member of the Euclid Awareness Committee and in support of the mayoral recall, I am not so sure I would want the support of the people who repeatedly, continuously pound away at the same old theme, meeting after meeting, month after month endlessly repeating the same old message as if they had not gotten their message across. I fail to see how being associated with this type of behavior will help your recall efforts. However, given the outcome of the failed attempt, attempted recall of the City Council members maybe we are already seeing the self fulfilling behavior.

What I can't stress enough of is this. Speaking in front of City Council, the Administration and to the residents of the City of Euclid is a privilege a privilege that can be lost and taken away. Everyone who comes up here to speak had better be keenly aware of this. Speakers must behave responsibly and respect those whom they are addressing. Thank you.

Mr. Ed Gudenas – 24555 Lake Shore Blvd. I promise to be nice. I'll mention no one by name. So first of all, I'd like to thank the Councilman with the meat market for inviting me to a meeting this past Wednesday to talk with another individual who would like to own the Shore Cultural Centre. And the reason I asked the Councilman with the meat market to invite me to this meeting is because I had just recently read an article in this weekly unnamed paper about the City's plans to sell off Shore.

As I read the article, being in the development business myself, I was amazed at these numbers. I was amazed at a development group would spend \$6 million on this building. The development group I will name, Shore Center Development Group, LLC. Never heard of them. I wanted to find out more about where are they coming up with their \$6 million? I was amazed that they were going to sell condos for \$135,000 because we don't have that market here. On the back page of this unnamed newspaper, there's an ad for waterfront condos for \$69,900, every single week. None of these things made sense. So we had our meeting, the person was

very nice. I'm sure he'd be a great neighbor to have in the City of Euclid, but at the end of the meeting I was convinced this plan will never happen.

This Shore Development Group, LLC, apparently, has no assets, didn't even exist. It turns out that I was able to buy the company for 125 bucks. So I'm now the owner of Shore Center Group Development, LLC. So I'll be happy to attend your committee meetings when you discuss selling off that property, which on tonight's agenda, if not probably for the Administration finding out that I was the owner, you were ready to sell the Shore Cultural Centre to this Shore Center Development Group, LLC, a limited liability company, duly organized and existing under the laws of the State of Ohio. And I'm happy to say it does and I'm the owner.

And I bring that up to your attention here because I see this not as an isolated incident but as an unfortunate pattern in the City of Euclid on how we treat the public's property. This building could have been sold to anybody and the City Council and Administration would not have even known who the owner was. You didn't know until today who the owner was. For this building to be almost lost to somebody who we didn't even know is completely and unacceptable turn of events. Same thing could be said with the Hillandale property. We never did find out where they came up with their \$2 million. My guess it wasn't through their second collections over there. Same thing happened when we decided to build the Century Corners development. We did it on a whim without any facts or figures and just hope for the best.

There's a pattern when you don't do your research, when you don't do your due diligence, things do not work out. Now there's a lot of questions you're asking for the Shore Center Board of Trustees. Where are their finances? Where is their ability to pay? Where is their ability to come up with the money? Too bad you didn't ask these questions for the Shore Development Group, LLC. I can tell you we only have 125 bucks. That's it. We don't have the wherewithal for the 6 million. But as of today because of that situation, we throw our support behind the Shore Cultural Board of Trustees and their plan because it's a lot better than our plan. Thank you.

Mr. Joe Udovic – 21371 Naumann. I'm sorry I missed last Council meeting. Mr. Mayor, I had several questions I asked you about a month ago. You didn't respond that evening. I had a chance to fax you the questions regarding how you were going to use Mr. Delaney, Mr. Langman and Miss Mancuso's expertise. If you have some time, I know you had a month to look at these questions. If you respond, I very much appreciate it. Thank you.

The current Council President entered into an unstable, shaky and dangerous territory by prohibiting and silencing the people's rights to freedom of speech. It is people's right and duty not only to question our leader but to criticize them in a public forum. This is a guarantee in the United States Constitution, the First Amendment and a major piece of our civil rights. As long as people are stating factual data and for the good of the City, people are entitled to voice their opinion without fear of reprisals by our community leaders.

The current process set into motion by a Council leader, a poorly conceived notion, is a tactic that shall surely backfire on him through more people either approaching this podium to express their personal opinions or to possibly an election of a new Council leader, a new Council President.

Since the Revolution War to the war on Iraq people have fought for and died for liberty and the beliefs of freedom. One of our important and dedicated Council members had a father that was a war hero in the eyes of the people. He lost his legs in defense of our country's freedom and the Constitution for you and for us in Iwo Jima. Yet this same Council person now supports the Council President's policy and sat mute when this travesty occurred.

On Memorial Day, do we not celebrate people who protected and defended the Bill of Rights, the Constitution, the State and the local Charter? Plus the sacrifice of so many shall spawn a new and different future. America was built on the beliefs of freedom and you must want it really badly enough since you put up one hell of a fight to stay free. Thank you. Have a Happy Easter.

#### COUNCILMEN'S COMMENTS

Councilwoman Holzheimer Gail moved to rise and report; seconded by Councilman Delaney. Yeas: Unanimous.

President Sustarsic – Well, Mr. Gruber would have been the first, but consequently, Ms. Holzheimer Gail. Mr. Gruber. We could take a couple minutes. I was told here that the clock was fast. Okay, we'll take a minute then. Don't go anywhere. Okay, if we can proceed, Mr. Gruber.

Councilman Gruber – I have a couple short, I guess, questions and responses tonight. First of all, I'd like to send our sympathy out to Roseanne Tepley on Kapel Drive, who lost her husband, John, last month. So our sympathies go out to her.

Mr. Riha's question about the property on Richmond and Brush. That's the triangle as you go up by St. Felicitas there. You can go by the self-serve mini storage or go by the church. That is city-owned property. It is green space and I believe that there is a rose trillium on that property that is supposed to be somewhat rare.

Councilman Gruber – Endangered, endangered and I don't think we have any plans on doing anything with that property but leave it as green space.

And in closing, several years ago, I was told I was out of order and I was asked to leave and I did. And that was by then-Council President Bill Cervenik and I was out of order and I didn't become a martyr; but I came back so everybody's got a chance. Thank you.

Councilwoman Holzheimer Gail – Just one question or request. We're almost through the first quarter of the year, I hope that we will have a Finance Committee meeting in early April to see where we're at?

Director Johnson – That's what I had planned and hoped for that we could look at the end of the first quarter by mid-April, if that's fine with Council?

Councilwoman Holzheimer Gail – Thank you.

Councilwoman Hufnagle – Week before last I attended the Fireside Chat at the Library. Miss Will did a very good job of going over what her department does, the Parks and Recreation Department. And there was a couple of things I wanted to give you credit for. A resident was asking about if we had a certain programs and then his comments were those should be advertised and I know that we can always use more advertising. But I do know that your department is working with a resident on a website and so that's a good thing. And then I know that your department, about every 6 weeks, in-house they publish a flyer that lists all the current events for the children, for the families and that flyer your department delivers to each parochial school and public school in the district. So I just wanted to mention those couple of things because that's a huge effort by your department and I think we see the benefits of that in the school system or with the children.

Then I also wanted to thank you, Ms. Will. One of your employees has been a huge help to me. The last couple of weeks I've had to call on Mr. Grida for a couple of things I didn't know was not his responsibility. But he went out of his way to take care of them for me for residents and I want to thank that, I want to thank you and that department this evening for that.

And then the only other comments I have this evening are regarding Big Show. I attended Big Show on Friday night and it was my first Big Show experience and it far exceeded by expectation. It was incredible. I had no idea that we had the ability to do that in our school system. The children were wonderful. I don't, I want to mention the Director, Mr. Josh Walker, but I know there were several more people that helped put that production on. And it was just tremendous and I am still amazed by what I saw. So that's all I have this evening and good night.

Councilman Langman – First question for Director Gulich, can you give us an update, Hank, on the traffic signal that was damaged at 238<sup>th</sup> and when that might be prepared?

Director Gulich – Certainly, Councilman Langman. This afternoon Board of Control we did, Mayor let me walk on a requisition in order to obtain the replacement damaged materials from the accident from last week whereby a pickup truck struck and damaged that traffic signal box bringing that traffic light to a state where it could only flash and render the school cross, the school light unable to function as well. We hope to have that box in our position within 2 weeks. Believe it or not in this day and age, people don't stock these things on the shelf. It's going to have to be specifically made for us. Worse case scenario is 6 weeks. We're hoping it's more like 2 weeks. Once we do have it hand we'll be able to have it up and running either the day it comes or the following day.

Councilman Langman – Thank you. Mayor, I'll be making that phone call within the next few days to talk over this contract. Obviously now, we have much more now to talk about given what Mr. Gudenas said. But afterwards, I would like, since even though you pulled the legislation, you haven't given up on the idea, which is fine, we should continue to explore the option. I still think that this contract should be vended in some committee so that the public knows exactly what we could be agreeing to. I think that's a sensible step to take after we have our conversations where you've discussed it with other Council members.

Mayor Cervenik – It's a very sensible step to take and we can have a committee meeting at any time without legislation being in that committee. So we will do that. It will be publicly discussed.

Councilman Langman – And finally I'd like to thank Kathy Griffith and other members of the Blade and Edge Club. They did put on a very wonderful tournament, the CIC event, at the ice arena. The rink is, it really looks good. And what was really gratifying is that we had so many people come from outside the community to the event. And a lot of them were asking well, where can I buy this item? Where can I buy that item? Where can I have lunch? So I think Euclid was showed off pretty well for that event and the kids were outstanding. All the competitors were very, very good. So I spent about 3-1/2 hours there out in the lobby

with Kathy Griffith and the Club should really be congratulated on really showing off the City in a very best light. With that I'd like to wish everyone a Happy Easter and good evening.

Councilwoman Mancuso – First, for clarification, our Financial Director, we're going to have a finance meeting in April? I had asked the Mayor at the last Council meeting if we were going to be getting financial reports before then, am I to understand we will not now?

Director Johnson – If you want financial reports prior to then, I was, I'm kind of hoping for the end of March I could give you those reports to reflect the first quarter of this year. I'm not real sure, you know, how significant anything before the end of the first quarter of this year would be to discuss. But I can run, I can give you reports as of the end of business today, if you think that is useful; but I thought that looking at it at the end of a month would probably be a little more useful to you.

Councilwoman Mancuso – I would be happy if we got them each month not every 2 weeks or whatever, but each month as has happened in the past. That way we're not trying to look at 3 months at a shot and play catch up on where we were or what we might have seen in the budget that could help us prevent it from going off track because we have a pretty tight budget this year.

My other comment is several people have tried to contact me through the City's e-mail system. My laptop is now sitting in Council Office for Donna to look at. It just won't let me into the e-mail. So I apologize to anybody who's tried to get me by e-mail in the last 4 days, since St. Patrick's Day whenever that happened.

The other thing is there were several people that tried to contact me at home and I have put my in-home receptionist on probation as she is either not taken phone numbers and taken names and a few people she has transposed numbers. So I apologize, please call me back. I'm not ignoring you. I just had to put my employee on probation. I can't fire her, she's related. With that I'll say good night.

Mayor Cervenik – To go on the e-mail, there was also a problem. I believe it's rectified with AOL accounts were not accepting Euclid transmission. So people that e-mailed us that are on AOL may not have gotten a response.

Councilwoman Mancuso – I don't have AOL.

Mayor Cervenik – But I believe, I believe, no not you, but the people that you tried to respond to. AOL was not accepting our Euclid number so I believe that's been taken care of with AOL.

Councilman Sustarsic – I guess I'd like to say thank you to the Euclid Board of Education for helping us out with the Harbor Town incentive district. I mean, this is great strides to making the lakefront project a reality, which it's going to be.

I'd also like to take this time to recognize Board Members Bechtel and DeWine, who announced that they will no longer be running. I just want to thank them for their years of service to the City of Euclid and to the children of the Euclid City School System.

And I'd also like to express my deepest sympathies to the family of Paul Hribar. Paul was a great man. I can only wish to have his longevity, 91 years old and do everything he was able to do. I mean, being active in this community and he was really a treasure and he'll be missed. Thank you.

And I'd like to wish everybody Happy Easter and Happy Spring. Good night.

President Sustarsic – And to put everyone on Council on notice, the Executive Committee, where we'll be discussing Shore and various aspects of the proposal, will be on March 30<sup>th</sup> at 7 p.m. And also, as well, like to wish everyone a very happy, joyous and holy Easter. Thank you.

Councilman Delaney – Law Director Frey, who drafted the agreement for the Shore Center Development Group?

Director Frey – The e-mail that you received on Friday?

Councilman Delaney – Correct.

Director Frey – That was drafted primarily by G. G. Benjamin from Calfee, Halter.

Councilman Delaney – And you were certain that the Shore Center Development Group, LLC was duly organized by the State of Ohio?

Director Frey – I, I can't say that I'm certain of that to this moment, no.

Councilman Delaney – Well, if you'd like a copy of the certificate, I see one right here.

Director Frey – Thank you, Mr. Delaney. I'm certain that before we entered in to any contract we would be assured of who we were contracting with.

Councilman Delaney – We were told that there were no less than 5 presentations by the individuals that said they were the Shore Center Development Group, LLC, 5 presentations. They came in front of the public. We were ready and prepared to vote on the City's most popular property, a city's multi-million dollar asset whether you argue with me about a \$13 million appraisal, with an agreement that was changed from what was originally presented to this Council from an option to intent to receive the deed to the property indemnifying the Development Corporation from any other action. And, and financing, complicated financial schemes using City tax dollars. I want that agreement in the Council office available to the public.

Director Frey – It's in the Council Office available to the public, Mr. Delaney.

Councilman Delaney – I, I am appalled. I am appalled that before this Council you were ready to give that building away and give away that parcel to a group that, in my mind, committed material fraud. I think what we had here is, is a horrible, horrible, horrible pattern. And I, I don't see the fact that a Councilman, like myself, sponsors legislation to put it in committee to discuss it to only be strong-armed away. I'll wear that like a badge that many of the people that were thrown out of this Council Chambers.

I think that your fears are unjustified and you're not participating. This is evident of the Council meetings, the conduct of people. We are seeing it in front of us. And Council President, you did not gain control; you've never had control. And this is reflective of what's going on in front of us.

I don't see, I don't see any reason why we shouldn't have to pursue this forward other than legal action. I feel like I was lied to and it should be against the law.

#### ADJOURNMENT

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

Attest:

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Clerk of Council

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President of Council