

**COUNCIL MINUTES**  
**APRIL 18, 2005**

The regular Council meeting was held on Monday, April 18, 2005 at 7 PM in the Euclid City Hall Council Chamber.

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

All present.

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

Invocation was given by Rev. Anne McCabe of Boulevard Presbyterian Church.

**COUNCIL MINUTES**

Councilman Gruber moved to approve the Council Minutes of April 4, 2005. Councilwoman Hufnagle seconded. Yeas: Unanimous.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik presented Resolution 50-2005 to the family of Mr. Paul J. Hribar.

Chief Maine – I'm really, really pleased to be able to announce this evening that the City of Euclid has been awarded the fourth year of a five year Weed & Seed Grant. It is going to mean \$175,000 to the City for equipment and programs and other things over the next year. This money is going to be used to augment our efforts, particularly the southwest section of town, the most recently recognized weed and seed site of the City.

The competition for this money is tremendous as you can imagine. At the last conference there were 200 applications to be recognized as Weed & Seed sites. They only recognized 22. There are now 340 actual recognized weed & seed sites across the country. Because of the recent cuts in the federal budget, the Department of Justice has less money to be allocated. We did not receive funding for the first three years of this most recent cycle. I think we can probably count on the fact that we will receive funding for the fifth year. We are being encouraged to make application for another weed and seed site on the next recognition cycle and we'll be talking to the Mayor and Council about what we need to do to make sure that we address the needs of the city especially on the north side.

I personally want to thank the Mayor for all his support. You can't imagine the competition and the amount of work that has to go into this grant application for us to be recognized. The programs that we've done, we're a model city across the country. A lot of times, the federal government, Department of Justice, points to what we've done here for other sites that are trying to receive that recognition. It is good news so thank you Mayor and thank you Council.

Director Will – I would like to take this time to remind and invite all of the residents of Euclid to our Annual Arbor Day ceremonies. They will be held at the Lakefront Community Center on Friday, April 29<sup>th</sup> at 10 AM. We will be planting a tree in memory of Edward J. Eckart. The Shade Tree Commission has put together a lovely presentation. There will be students from Memorial School and members of the Euclid Senior Center that will be helping us out. I hope to see everyone there.

The Rec Dept. will be hosting a family bowling night on Wednesday, May 4<sup>th</sup> at the Wickliffe Lanes. It will start at 6:30 and \$6 per person with ID card. We expect to have 200 people there, so sign up now. You have to register by April 29<sup>th</sup>. That's a family bowling night with the Rec Dept. at Wickliffe Lanes.

I would also like to make an announcement to the residents in regards to Memorial Park. The pavilion did come down today in the park. It is our intentions to be installing a new one very quickly. I'm excited about the plans that we have for Memorial Park. I assure you there will be a new pavilion that will be installed in the park. I will be working together with Councilman Daly and his Committee to work with the public on the plans that I have with the park for advertising the new pavilion, some possible walking paths. I wanted to let everybody know. I promise you there will be a new pavilion installed as soon as possible.

Council Minutes

April 18, 2005

Page 2

Mayor Cervenik and Director Will presented Mac Stephens Youth Sports League Coordinator, Coach Daryl Buckley and members of the Euclid Buck's Team and Coach Cliff Pinkney and the members of the Euclid Timberwolves with the Jr. NBA Gatorade Championship 2005.

Mayor Cervenik introduced Flat Stanley.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Animal Shelter Report of March, 2005; Fire Report of February 2005; Executive Committee Minutes of March 30, 2005; Business & Commercial Development Minutes of March 30, 2005; Board of Control Minutes of 3/28/05 and 4/4/05. Councilwoman Hufnagle seconded. Yeas: Unanimous.

#### COMMITTEE OF THE WHOLE

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

Mr. Roy Larick – 23745 Lake Shore Blvd. – I'm to speak on #6 tonight, the Resolution authorizing the Mayor to negotiate a conservation easement with the Cleveland Museum of Natural History for that 26 acre parcel between Richmond & Brush Roads running just south of Euclid Ave., up to the Richmond Heights line at the top of Richmond Hill.

This parcel logged in the past but never built upon has two unique and outstanding environmental features. Both these features warrant this conservation easement with the Museum of Natural History. One is a very significant fossil land form and that is the remnants of a glacial-lake shoreline about 40 ft. above Euclid Ave., that would make it about 70 ft. above Lake Erie. This is probably remnants of the earliest lake in the region, in the whole Great Lakes Region. It was a true glacial lake, not like Lake Erie, but a glacial lake in the sense that the northern border was ice, was glacial ice. Evidence of this shoreline is preserved east of Cleveland along our hill. But in almost all cases its invisible either by having been developed away or slumped away naturally. The only place you can see this is along Terrace Rd. in East Cleveland, but there it is completely developed. This represents the only place where this survives and it is a neat thing that we have.

Second, what's there on this parcel is the remnants of a pre-historic climax forest that is oaks, swamp oaks, typical of the lake plain at the bottom and the beech, maple climax forest at the top that is more typical of Chardon and Burton and the highland areas to the south of Cleveland.

For those two reasons, that makes this a very significant parcel on a natural history basis. My interest in this goes beyond that. As you know I like these kinds of things. But I think that the real reason to consider to authorize the Mayor to go into this negotiation is that this is a small but significant way that I think we can promote our own self-image and our image within the region. That's why and this goes back to something I talked about a couple of weeks ago, this new Cleveland factor where to be a smart community in the Cleveland area we need to be self-aware, we need to know our resources. We need to have an intellectual curiosity about the land under our grounds, under our feet, excuse me. We need a sense of sub sustainable development and greenspace certainly goes into that.

I've talked with members of the Cuyahoga County Planning Commission who are doing a greenspace plan for the County and this is one of the parcels that they considered to be good greenspace so it makes sense that we promote this aspect of greenspace within our own borders.

I've also spoken with Lee Gase who is the President of the Richmond Heights City Council about this and he thinks it is wonderful. He wishes that the Cleveland Museum of Natural History was approaching Richmond Heights about a parcel of this type there, but it doesn't exist in Richmond Heights.

This is the kind of thing that people are aware of around the region and it is to our benefit to negotiate a good conservation easement with the Museum of Natural History. I urge you to consider this carefully and eventually vote for it. Thank you.

Ms. Marian Grisdale – 22571 Seabrooke Ave. I'm speaking tonight on behalf of the Shore Cultural Centre and representing the Board of Trustees. I would like to extend our appreciation to the Mayor and to the City Council for the opportunity to further work on our proposal. We very much appreciate that.

We'd also like to thank the many members of the community who have expressed their positive support to us. To everybody out there in TV-land, thank you. Also we're looking for volunteers and donations. Being a 501 (c)(3), we can accept donations for the building and your donation is tax deductible. We're looking for volunteers.

Council Minutes

April 18, 2005

Page 3

Anyone who is interested in volunteering, if they could please call 289-8107, there are many opportunities available and thank you for your time.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. Not lower Lake Shore Dr., it still sounds better. Anyway, Shore, item #1 on the Agenda. The Shore Board is coming up with more and more ideas, we're going over more possibilities for Shore. The Shore tenants, the Shore Board, the citizens of Euclid have waited well over 20 years for the city to do something with the building, positive with the building. So with our proposal we hope that everybody joins in and makes it a Grand Old Lady on the Triangle.

This Saturday, April 23<sup>rd</sup>, at 9:00-12:00 PM, if everybody could spend some time, scrape some paint, washing walls, we're going to start from the ground up. We're going to make it a swell place that you can all be proud of. We'll have donuts before 9:00 AM. It will be from 9:00 til Noon and come, one and all and keep coming back. Thank you.

Mr. Tom Cooke – 25641 Edgecliff Dr. First congratulations Chief Maine on the Weed & Seed Grant, way to go. Really a big help. Regarding Issue #15, Euclid Library Operating Levy. I am in support of the levy and recommend its passage. Our Euclid Public Library has been an asset to this community since its inception. I have seen many times when people move out of this community, they somehow are always coming back to use the library. It makes you wonder what advantages they saw when they moved out of Euclid.

Regarding Issue #14, the operating levy for Euclid Public Schools. Last Friday I had the opportunity to visit or to sit down with Dr. Joffrey Jones and Steve Vasek to discuss the upcoming levy, what it means if it passes, what it means if it does not pass and various concerns I had the current state of public education funding in Euclid. I would like to first thank Dr. Jones and Mr. Vasek for taking the time out of their busy schedules to discuss the various school issues with me.

Just a little bit of information about my wife and myself that some of you may not know. My wife and I are both products of the Euclid School system. I went to Euclid Central and my wife went to Wells and Forest Park. We both graduated from Euclid High School in 1973. My father Ed Cooke was a phys ed teacher in the Euclid School system for 36 years. Although we have sent all of our children to the parochial schools for various reasons, we have always supported Euclid Public Schools because of the great experiences my wife and I have had in this system.

Over the years, many gradual changes have taken place in public education. As a society over the past 30 years, we the parents have gradually aggregated our responsibilities in educating our children and shifted them to the public schools. At the same time and in equal shares a teacher's authority to teach has been systematically dismantled to the point where in many cases a teacher has been relegated to being a babysitter and less an educator. This is not by the choice of the teacher but more the result of fear of reprisal by the student, parent or legal system. We have continued to move further down this road with disastrous consequences as was most recently noted in the violence that occurred in the Cleveland School system.

As a society we have always tried to solve problems by throwing money at them. In some twisted way we believe that the more money we throw at a problem, the quicker it will be fixed. The funny thing is that it is so obvious that it does not work, however, we continue to do just that. A child must have above anything else, a desire to learn. The only problem is, desire is not for sale. Desire cannot be bought with dollars. Desire is something that is inbred and acquired primarily by the parent or guardian. That is the single ingredient that will separate one student from another, desire. Desire to learn, desire to achieve, desire to be the best one can be, whatever one chooses. The great thing about desire is it is not relegated to a single class of people, or single color of people, or single economic class. It is open to anyone who wants it but it's not for sale.

I have somewhat strayed off course, but I believe it was merited. The question remains, is the proposed levy necessary? Without changing the formula for public education as it currently exists, the obvious answer is yes, for education has morphed into something that more resembles a social program than a center of learning. An exercise in political correctness with an emphasis on relativism but on hard-cold facts. It is the maintenance of these programs that has become so progressively costly. There is no real choice here. Students have become so dependent on these programs that not to fund them would be considered immoral and extreme hardship on the students, parents or guardian.

That being said, until the formula for public education is changed, one cannot expect anything different in the future. To everyone here and to everyone on the other side of the camera, election day, please go to the polls and vote. Vote for what you believe to be right. Vote for what you know to be right.

Mr. Victor Goodman – 20201 Glen Russ Lane. I'd like to speak on three items. First item is #8. I certainly wish that this levy get passed. I can tell you that standing in front of the library as many days as I did during the recent months, more people visit our library from out of our city, than actually within our city. I found that to be amazing. I asked them why and they said because it is the best library around. So certainly anything we can do to improve the library is well worth every dollar.

Secondly, I'd like to talk about #1 and I had the privilege of going to, because I hadn't been to Shore Center very often in my life, none of my children went there. What a magnificent building. I was in the auditorium, what a magnificent place. I certainly urge this Council unanimously to approve letting Shore Cultural Centre exist for decades to come. It is a fabulous facility.

Most importantly, I want to talk about #2. Being that I will be 62 this May, anything that will help cardiac, I approve. Please buy the cardiac machines. Thank you.

Mr. Jack Hagenbaugh – 20200 Hillcrest Dr. I'm here to speak in support of #7 on the agenda which is Issue 14, a 7.9 mil operating levy for the benefit of the Euclid Schools, which will appear on the election ballot on May 3<sup>rd</sup>. Euclid Public Schools are on the ballot requesting an increase in operating funds for the first time in six years. I would like to take this opportunity to address some of the questions that I frequently hear from others relating the need for the passage of this levy.

Didn't voters just approve the school levy? Euclid voters did recently approve a permanent improvement levy. Permanent improvement levies keep building safe. The permanent improvement levy was for bricks and mortar type expenses such as maintenance, repair and improvements of our many aging school buildings and facilities. As homeowner's are painfully aware, aging homes require constant maintenance and repair. Aging school buildings and facilities are no different. Buildings require maintenance repairs and replacements of roofs, windows, boilers and the like. In addition, the permanent improvement levy funds were targeted for and permitted the reopening of Indian Hills and Memorial Elementary schools. These schools were closed in 1987 due to a down turn in student enrollment at that time. Reopening these schools has greatly improved the classroom and building overcrowding situation in the schools. The permanent improvement levy also provided the classroom space to re-institute all day kindergarten. This levy also provided some funds for textbooks and technology, but did not provide funds for day-to-day operations.

Why is another levy needed? Issue #14 is an operating levy. An operating levy provides for the day-to-day costs for running a school district such as teacher and staff salaries, utilities, transportation and the like. Why can't the Euclid Schools manage their funds and live within their means like other schools districts? Well actually the Euclid School District is doing an excellent job of living within their means and managing the taxpayers' money. School funding formula is very complex, but in simple terms, the way school funding works in Ohio, is that the State provides a fixed amount of funding for each student per year. State funding is not nearly enough to educate a student. The remaining of the funding to educate a student comes from local property taxes as the result of the passage of school levies. Each tax levy on the property provides a fixed amount of funding which does not increase as the value of the property increases. Each school district only receives that fixed amount of funding until another levy passes increasing their funds.

Euclid passed an operating levy in 1999 that was intended to provide them adequate funds for 3-4 years. The cost of running the school district has steadily increased over the last 6 years, the school district has lived with that fixed amount of money and has not gone back to the voters for additional funds since 1999. During that same 6 year period, the State has cut the funding to the schools. Those cuts have resulted in a reduction in school funding.

Finances of the school district are audited on an annual basis. There have been multiple cases of nearby school districts having been embarrassed by the revelation of major errors of accounting and/or management of their funds. The audits of our schools not only don't reveal problems with the accounting or management of funds, but are so clean that the auditors many times can't even find ways to improve.

As to a comparison to other districts, a quick review of the schools on the ballot on May 3<sup>rd</sup> reviews that the school districts in Beachwood, Berea, Brooklyn, Chagrin Falls, Garfield Heights, North Royalton, Parma, Richmond Heights, Rocky River, Solon, South Euclid-Lyndhurst, Warrensville Heights and Westlake are on the ballot in addition to Euclid. Virtually every school district in the State including more affluent areas such as Beachwood and Westlake need to ask for additional funds on a reoccurring basis also. Review of the results of virtually any election will reveal dozens of school districts on the ballot. This unfortunately is just the reality of school funding in Ohio.

Why don't Euclid students get as good an education as their parents? Many point to the State Proficiency test scores as an example of this. Actually the School District students are provided an opportunity for a better education than their parents and predecessors of years ago. Euclid has show a consistent improvement of proficiency test scores in recent years. Considering that Euclid is not an affluent area, and that several studies have linked proficiency test scores with family economics, I don't think proficiency test scores are the best measure of a school district.

I believe there are two major factors in education. Those being opportunity and achievement. The schools are responsible for and can control the opportunity factor. The quality of teachers, facilities, curriculum, and extra-curricular activities fall under the category of opportunity. The schools are limited in their ability to affect achievement. Achievement largely depends on the student's ability to take advantage of the opportunity provided by the schools. Student achievement is greatly effected by their previous education, motivation and environment including their home life and economic situation and the like.

Many students unfortunately are not able to or do not choose to take advantage of the opportunity available to them and that is reflected in the proficiency scores.

President Sustarsic – Excuse me sir, your time is up. Next speaker please.

Ms. Del Tekieli – 5 E. 221 St. Again I want to thank the Mayor and Council for the extension of time to give us a little opportunity to develop the various parts of the proposal. I'm really happy to talk about the business enterprise group right now. We talked about the business incubator and we're now affectionately calling it the Business Enterprise Group. We've been under negotiations for the past week with Euclid Chamber of Commerce, the area banks, insurance companies, we will get to accountants and some of the other businesses. Most important and exciting part of it, we've been under negotiations with Cleveland State University.

Cleveland State University with Beachwood Chamber of Commerce, recently won a national award for their business incubator which is less than a year old. It started with two companies, they are now up to 14. They are doing international things. Cleveland State provides the expertise in some areas. They act as mentors. They do classes for them. They will give us a graduate student to work in the office, actually they'll give us two. There is some funding available, so this is a very, very exciting proposal and we hope to work with the City of Euclid Development Department to further this along and you'll hear more about it in days to come.

Going along with Shore, Dolly Luskin is coordinating the Park & Sale Rummage Sale on April 30<sup>th</sup> from 8:00AM-2:00 PM. If you're interested in participating call Dolly at 261-0967. We are still in the fundraising mode. Please, we've had wonderful, wonderful response from people. The encouragement is amazing. Please continue to send us your ideas. You can send them to the Shore Cultural Centre by mail or call us at 289-8107, we're glad to hear from you. We are a 501C 3 I do want to reiterate that and we take donations of all sizes.

Lastly I want to talk about the school levy. On June 16<sup>th</sup> I will retire after 20 years with Euclid Schools. My children went through Euclid Schools and in the past several years, 4-5 years, I've seen dramatic improvement on what is going on in our school district. I'm really proud of the strides were making and my children, my son actually went to Case Western Reserve and when he took his entrance exams and he had his entrance interview, they said, you're from Euclid, you're in their advanced placement classes, you'll probably test out of 2-3 classes and he did.

Things have not changed that much in the 10 years since Ed's graduated, actually 20 years, oh my goodness. The district is improving on a daily basis. I'm really proud of what's going on. Even though my children aren't in school anymore, I still vote for the levies and those of you with children in Euclid's Schools, it's imperative, it is critical that you vote for the school levy. Those of you without children in the Euclid Schools, it's imperative that you vote for the school levy because of your property values. It doesn't work to say you're end of the boat is under water. We're all in this together and the city will only continue to improve as the schools improve. Please vote for Issue #14, thank you.

Dr. Joffrey Jones – 131 E. 265 St. First I want to say congratulations to Chief Maine for the Weed & Seed grant. That's good for us as a community, it's good for our neighborhoods and thus good for our schools, so I congratulate you and thank you for your efforts in that regard.

I also want to congratulate the Timberwolves and the Bucks and Mrs. Will for promoting that program. I'm looking forward to them coming to the Middle School and High School and translating their athletic abilities to some victories for the Panthers.

This evening I do want to speak briefly on behalf of Issue #14 and thank Council for considering this Resolution this evening. Issue #14 is a vote for our children. It is a vote for the future of our community. Heard a number of people speak this evening about the levy and I won't

repeat much of what's been said, but one thing was said is that we are making improvements and we are. We have developed a lot of positive momentum in the school district and right now we're coming, not because of anything that's happened in the school district, but because of the vagaries of school funding in the State. Unfortunately we have to wrestle with this. I don't like to spend my time working on levies, but I'd rather spend it on curriculum and instructional issues, safety issues, but instead we have to dedicate some of our evening hours and long labor of love to this task. So, here we are and we will be back periodically should school funding not be repaired.

That being said, it is unfortunate that we're considering not supporting our children because school funding is broken. One speaker this evening did reference the Cleveland Public Schools and some of the issues that they are having there. We are not the Cleveland Public Schools, we are the Euclid Public Schools and we don't want to be like the Cleveland Public Schools. We need to keep a strong program going and I urge the community, those with children, those without, to provide the same experiences that I had as a child, that you had as a child, as probably their children have had as a child and also for our children. I urge you to pass this Resolution and I urge the community to support Issue #14. Thank you for your time.

Mr. Vince Riha – 1515 E. 195 St. In the Shore Cultural Centre part, I believe those people should be given a chance to show the same ability that the Friends of the Henn did. If it's anything like the Friends of the Henn, it will be a very fine endeavor.

The other thing I would like to speak about is the property on Brush Rd. I was up here a few council meetings ago and I have done my due diligence since then and I'm a big enough man to come up here and say, I was wrong in selling that property. I believe it probably should be preserved and kept in trust and I think it would be a fine partnership with the Natural History Museum. Even though the Stinking Benjamin doesn't reside there, it still has a lot of things to save. Thank you.

Ms. Rebecca McFarland – 154 E. 212 St. That's my evening and weekend. Otherwise I'm at 631 E. 222 St., right next door at the public library. Actually a public library we can be so proud we've had it for 70 years this year. It was 1935 that the citizens decided to start that very first tax levy and we will be on the May 3<sup>rd</sup> ballot as well, Issue #15. It has been all 70 years that our city has had a levy to support a library. We're the oldest one in the State actually. We've also, as you might have heard won as the Fourth Best Library in the Nation, that being based mostly on responsible use of the taxes that are provided to us. I encourage your support. I appreciate everything that the City Council and the members of the Mayor's staff does for the Library; feel that we're great partners together and hope we'll stay strong together with everyone's support on May 3<sup>rd</sup>. Thank you.

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

#### LEGISLATION

##### **Res. (307-05) Shore Corp. Lease**

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) (From Executive Committee)

Councilman Delaney moved for passage, Councilwoman Mancuso seconded.

Councilman Delaney – As I had mentioned in the meetings prior, that it would be likely to put this back into Committee because the Board is still continuing to take their ideas, distill them down and make the best plan possible, being able to afford them as much time is key in this.

As we march on with these controversies and these debates, I think it is going to bring the best results possible. As we saw when it was introduced, it went into committee and I think we only had about 13 days. There's a great deal that the Board has brought to the table in that time. Just some of the things I've heard today have been very, very encouraging. I look forward to their committee meeting in the future.

I do have a question, Director Frey, is it possible that we can present the Board with a lease as a first step and a guideline that they can follow through with, just something basic that they can see it and work off of?

Director Frey – We could draft a pretty bland lease, but, terms and conditions are the critical component of that and I'm not sure we know what those are at this point. The proposal doesn't have a definite plan for capital contributions. There's a request in there for a city subsidy. I don't know for what period of time. If we had some of those details, we could rough-out a lease that would need to be refined, but I need some of that information. Otherwise it would just be a form lease and it wouldn't give us much guidance.

Councilman Delaney – Excellent suggestion, I'm sure the Board will take that into account and they can bring that as soon as possible. Thank you.

Councilman Sustarsic – Just a ballpark, how long are they expecting to take to come with their proposal in front of us?

Councilman Delaney – I believe they're under the impression that it could take 60 days from the last time we heard it in Committee. I believe they'll probably work as diligently as possible to bring it as soon as possible within that time frame.

Councilman Langman – I don't know if my colleague made a formal motion to send it into Committee. If he did, I would second that. It seems prudent to allow the Board a little more time to refine their proposals and I believe that the Mayor is on Board with that, he has his own objections to that. So it seems like the prudent move.

Councilman Gruber – Make a motion to put into the Executive Committee with that other piece of legislation.

Councilman Gruber moved to place Res. (307-05) into the Executive Committee. Councilman Langman seconded.

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

Abstain: Holzheimer Gail

Res. (307-05) placed into Committee.

#### **Ord. 51-2005 (334-05) Cardiac Monitors**

An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to purchase three Medtronic Physio Control Lifepak 12 Cardiac Monitors for the Fire Department, from Medtronic Emergency Response Systems, 11811 Willows Road NE, Redmond, Washington, at a cost not to exceed Fifty Five Thousand Dollars (\$55,000.00). (Sponsored by Councilman Gruber by request of the Fire Chief)

Councilman Sustarsic moved for passage, Councilman Gruber seconded.

Chief Cosgriff – As you know the Fire Dept. was awarded the 2004 FEMA Assistance to Firefighters grant, with funding approving purchase of new cardiac monitors as well as extrication equipment. This legislation authorizes the purchase of the cardiac monitors. These new 12 lead heart monitors are capable of biphasic defibrillations as recommended by the American Heart Association. In addition to displaying a patient's heart rhythm, these units will also give us the ability to monitor SPO2, which indicates oxygen saturation in a patient's blood. As well as automatically monitoring blood pressure, a major component of a patient's vital signs that we currently have to monitor manually. If approved tonight, we will place one of these units on each of the front line rescue squads.

We have used Medtronic equipment since we began offering advanced cardiac life support service more than 20 years ago so we are quite familiar with its operation. These units are priced according to State bid and the 30% match was appropriated in the recently approved capital budget. With trading in three of our older units, the net cost to the City will be a little more than \$16,000 and I'm asking for your support in approving this vital piece of equipment. Any questions, I'll be happy to answer them.

Councilman Gruber – Chief, thank you for the work you have done on this and we're all happy to bring this to the citizens of Euclid and I'm sure all my colleagues would like to have their names put on this legislation. To reiterate, it is very impressive that 70% of this will be paid for by the grant. Thank you for the work that you've done and the people of Euclid thank you.

Councilman T. Sustarsic – What is the life expectancy of these monitors? How long do they last?

Chief Cosgriff – That’s hard to say, depending on how the technology changes over the years. The Lifepak 11’s that we’re using now, we’ve had in service for 6-7 years.

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

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

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

Approved.

**Ord. 52-2005 (328-05) Crack Sealing program**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids for labor and materials for the 2005 Crack Sealing Program. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage, Councilman Daly seconded.

Director Gulich – Two weeks ago tonight Council authorized us to proceed with a 2005 Capital Improvement Program. Part of that program included \$50,000 for crack sealing. Needless to say when it comes to maintaining pavements probably the most basic, probably the most bang for the buck thing you could do is keep up with those cracks. Keep the moisture from getting in the pavement and accelerating the decay of the pavement further. So I have been busy the last two weeks getting this plans and specs together and we’ll be going out for bid this Friday with Council’s approval we can enter into a contract.

President Sustarsic – As been said time and again, who can attest to this more than the Ward Councilmen, all the various complaints and everything else like that because of not neglect over the years, but neglect can I say because the expenditures weren’t there, the monies weren’t there. All of a sudden things look like they’re starting to turn a little bit in our favor and hopefully this will be the beginning of a long program.

Councilman Gruber – Approximately how many miles of road can you do for \$50,000? You won’t know precisely until the bids come in, but can you give us an idea?

Director Gulich – It really depends on the quality of road we have to work with. Unfortunately, not keeping up as we have, we probably won’t extend it as far as we like. I really don’t have a cost per linear mile but it really depends on the condition of the pavement.

Councilman Langman – Director Gulich I know you have a lot of your plate as far as the capital needs of the streets and as we discussed in committee the sewer issues and so forth. Can you generate a list that shows us what streets are actually going to be repaved versus the ones that are going to be crack sealed? Could that be part of your plan?

Director Gulich – That is part of the plan and you’ll have it. I’ll be glad to share that information Friday. I’ve been anguishing over the list as you’ve heard me say I could easily spend five times as much money as I’ve been allotted. It is a difficult task and I certainly want to make sure that we make the best uses of this money. Hopefully we’ll have a program for 2006, 2007 that can hopefully get us back to where we were in previous years.

Councilwoman Mancuso – To follow up on Councilman Gruber’s question, do we have a ballpark figure we’re working with? If you have a list of streets that you’re looking at, do we have a ballpark figure that you’re looking to attain?

Director Gulich – With \$50,000 the first thing we’re going to attack is the streets we resurfaced in 2003. There were some ODOT paving done since then. We’d like to get caught up on that ODOT paving. If there should be anything beyond that, we’d fall back to 5 years ago, the previous time we did a resurfacing program. That will give us the most bang for the buck, keep those pavements at high quality. You don’t want to go on a pavement that’s really a shambles and patch it together. I think I can attest to our parking lot right behind City Hall. Everyone’s familiar with it. It’s gotten

to the point where its glued together with crack seal and I certainly wouldn't intend on going back there and spending any more money on a pavement that is in that kind of condition.

Councilwoman Mancuso – We're looking at around \$50,000 for this year?

Director Gulich – I cannot spend more than \$50,000 that is what Council has approved.

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

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

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

Passed.

**Ord. 53-2005 (330-05) Bids Resurface/Curbs**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids, for the labor and materials necessary for the Resurfacing, Curbs and Sidewalks Program for the year 2005. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage, Councilman Delaney seconded.

Director Gulich – Council authorized \$300,000 to expend on our city streets this year for the purposes. I've had a difficult time distilling that list and I will be glad to share it with Council. We are currently putting the final touches on the plans and specs and I intend on advertising in this week's paper Friday so we can get to work in the next couple of months on the program.

Councilman Gruber – Director Gulich, on this ordinance it also has sidewalks listed. I know in the past that we have a revolving sidewalk fund where we actually would bill the homeowners and then put that money back in the fund to have the sidewalks done. Are we getting away from that program? Are we going to do sidewalks? Is this going to be on the same program as before?

Director Gulich – A couple of different questions there kind of got strung together. What you have is a pre-packaged verbiage in front of you. We cannot proceed into a sidewalk program without the necessary legislation as passed by council, which would provide for a list of streets. Getting back to your second question, have we gotten away from that, yes we have. Many people have heard me say over the past 10-12 years we've been able to fund so much sidewalk work through Issue 2 and yes the waterline fund as we discussed just last Wednesday. We have gotten away from a sidewalk program. I intend on emphasizing the expense of this \$300,000 on resurfacing and we will do the bare minimum on curbs to get the roads we are working on up to par.

Councilman Gruber – Let me try asking that again. When we do a sidewalk on a street, are the homeowners going to be assessed, or is the city going to pay for the sidewalk?

Director Gulich – We will not be assessing anyone through this program. The sidewalks we're referring to are mostly incidental to the work. We will have to install some handicap ramps and of course we'll have to met grades. We basically have negligible amounts in our quantities for these specifications. What we plan to do will be incidental to the curb and paving work.

Councilwoman Mancuso – We just had the presentation on the water lines. Are any of the streets, you obviously have a plan again for those that will be resurfaced, that you've already come up with, correct? Are any of those streets part of the priorities in the water?

Director Gulich – Absolutely not.

Councilwoman Mancuso – You're positive? So that we don't go down this priority list again and then change over, which was the criticism of what we did in 1996 I believe.

Director Gulich – Not going to happen.

Councilwoman Mancuso – Not going to happen, okay.

President Sustarsic – We've got that on tape. Mr. Langman.

Councilman Langman – There are situations where some sidewalks are clearly a hazard. Is there any contingency to replace those walks that are clearly a hazard to pedestrians, bicycle riders or anybody else because of their condition?

Director Gulich – I believe there is authorization in the Codified Ordinances and I will fall back to Chris Frey if he wants to correct me on that. There are particular instances where yes we can go in and do pick and choose sidewalks. Historically the city has chosen not to improve sidewalks on that basis. It made more sense if you were going to be in a neighborhood to improve all the sidewalks that were needed. Yes, the city can do that. No, I was not intending on doing that.

Councilman Langman – Who makes that final determination, yourself or our engineers?

Director Gulich – I didn't hear the second half of your question.

Councilman Langman – Do the engineers make that determination or do you have the final say so?

Director Gulich – I would say I would have the final say so. Obviously I do rely on the expertise of our engineers.

Mayor Cervenik – If any of the ward council people would like us to do a comprehensive sidewalk citation program in your ward, please come and see me. We'll be happy to do that. The residents will pay for those sidewalks. I'm contemplating very seriously presenting legislation to you in the form of a resolution that we will be adding that on as a must do item on point of sale inspections. Most other communities do that. That would alleviate some of the problem. If you have certain areas in your ward, any of you that feel you should go through the sidewalk program, it worked very simply. The residents receive a bill. They have a choice of paying it up front, or we, I believe it's a three year payment assessment on their tax bill with minimum interest probably 4.5-5% interest rate. We'll be happy to do that if you have areas that need to have it done.

Councilman Langman – That would definitely be a consideration. It is not so much an entire neighborhood per se, because a lot of times you have unfortunately where a city tree has heaved a walk and destroyed the walk basically, or certain slabs have disintegrated. Obviously, as you know Mayor, very hazardous in the wintertime when the weather is bad, people aren't quite paying attention. I've had calls and I'm sure my colleagues have had calls of people tripping, falling, seriously hurting themselves. If the administration develops the proper criteria, I think that is a consideration to move forward with.

Director Gulich – If I could add, I've told you the amount of money that we've been given to work with here is really a bare minimum. Keep in mind that if we were to proceed with any type of sidewalk program we do have to make that part of the contract and pay the contract. We'd have to pay for those improvements out of this \$300,000. We'll really be robbing into that money I'd like to use for resurfacing. Of course yes we would assess the homeowners and recoup that money. But it has to be done under that process and really right now in a program this size I really think it is a necessity to concentrate on the streets. But again, a program such as the Mayor just mentioned would certainly be welcomed in the city.

Councilman Langman – Perhaps we could start with those walks that needs a certain hazardous criteria rather than an approach on a neighborhood basis. At least before we bring the resolution forward, we can develop some criteria, if we don't have it already that rates, certain areas or certain parcels that have particularly hazardous sidewalks.

Director Gulich – We do have exactly such a criteria and I'll be glad to share that with everybody. It was revised some years back and reviewed by previous councils some years ago. To be honest with you, it is a rather strict criteria and something that when we have had sidewalk programs, I think we have one ward councilman up there who remembers some instances in his neighborhood where you can get very unpopular, very quickly, for citing people for their sidewalks. If you do have a criteria and you do follow the criteria, and stick to that criteria, that is very important not to just say you are picking and choosing. I'll share that criteria we already have with council.

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

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.

**Ord. 54-2005 (329-05) American Fireworks.**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with American Fireworks Company, 7041 Darrow Road, Hudson, Ohio 44236, for a fireworks display for July 4, 2005, or rain date, in an amount not to exceed Thirty Five Thousand Dollars (\$35,000.00). (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage, Councilwoman Hufnagle seconded.

Director Gulich – For anyone that wasn't aware of it, I think everyone is pretty much aware that I have gone out and solicited for proposals for fireworks, obviously we can do that. We do need Council authority to authorize a contract. American Fireworks performed a contract last year. I believe we did get rather great reviews on that. Their proposal is very much in line with the show we had last year. Again, this would be at a rate not to exceed \$35,000. In my discussions with the police and the fire chief, their budgets provided for costs related to a fireworks show. It is figured into their budget and if they have any additional comments, I'll be glad to let them make them. I'll just add that American Fireworks safety record is outstanding. They performed our show a number of times in the 1990's, longstanding firm. They work well with the safety forces and looking forward to a loud, bright show.

Councilman T. Sustarsic – The City of Euclid has had a reputation for putting on probably one of the finest fireworks displays in the area. I think it is a great thing for our community. I have friends, people from out-of-town come here and see the fireworks and all have parties at their house. It promotes the businesses in the city, they are buying food and everything. It is a good thing all around and I'm looking forward to it. Also, last year they had the construction going on at the high school stadium, are we going to be able to have the fireworks program there this year?

Mayor Cervenik – It seemed to work out rather well last year that we didn't open up the stadium and cost the school overtime and other items like that. I think we've decided to keep the cost down and let's spend the money up in the air instead of on the ground. So everybody can still gather at Memorial Park and throw out their blankets and sit back with the family and watch the show rather than being inside the stadium. It is probably a good decision that we made on that.

President Sustarsic – I would also guess that we would be able to enjoy the new pavilion at that time?

Director Will – I would hope so.

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

Councilwoman Holzheimer Gail 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. (333-05) Cleve. Museum/Brush Rd. Parcel**

A resolution authorizing the Mayor of the City of Euclid, or his designee, to enter into negotiations with The Cleveland Museum of Natural History to create a conservation easement for City-owned property located at Brush and Richmond Roads. (Sponsored by Councilpersons Delaney, Gruber, Langman, T. Sustarsic)



has told them and until they finally realize what other states are doing to support their schools; until they really wake up and realize that the biggest problem in the State of Ohio, not the City of Euclid but the State of Ohio has is a lack of a serious plan for school funding and educating each and everyone of our children. The State is going to stay in the doldrums and we're all going to suffer with it.

7.9 mils is a lot of money for a lot of people. \$100,000 house is \$270 give or take a few dollars. But, it will cost us a lot more if we don't pass this levy. Our school system is well run by Dr. Jones, the Superintendent and Steve Vasek, the Treasurer, our School Board really understands what needs to be done, they've worked diligently. They didn't want to put this levy in front of the voters, but they had no choice. Our City is as good as our school system. I've sat here, not only as Mayor, but as twelve years on Council, telling you about the graduates that leave our school system and go onto Harvard, Yale. I've talked to you about the Jr ROTC program and the students that get 4 years of scholarships and serve our country well. You saw the children here tonight that people talked about how they represented our community proudly. Flat Stanley knows, he really does, because he's been involved over there. I'm in the school system quite a bit. Next Tuesday morning, I've got to pass out 160 certificates to students that had straight A's. That's not a school system that is having problems. That is a school system that is tackling their problems head on. But it costs money. I strongly urge all voters in May to vote for Issue 14. It is going to cost us a few dollars but in the long run it is going to be well worth it. The school system has not come to us for an operating levy for quite some time now. They should have come back earlier and they didn't because they made cuts, they made changes, they watched their money well. Not all school systems can say that. Our schools are what will make our youngsters the people that people outside this community see. They are going to say that's what the City of Euclid presents. This is what the City of Euclid is all about. Please, 7.9 mils isn't a lot of money in the long run. Even if you're on fixed income, please find a way to do it. Our school system has done us proud and they must keep going. I can't tell you the importance. All the work we do with community development, police and fire, recreation, streets, all of that is not going to matter if we don't give the school system support that's needed so that people want to move into our fine community. Let's get it started. Let's do it in May. May 3<sup>rd</sup>, vote yes on Issue 14, it's a must. Thank you.

President Sustarsic – As the Mayor eluded to, the fact that as it has long been said, as the schools go, the city goes. Because when you can consider there've been various articles in the paper over the past years, as far as the brain-drain that goes on in the State of Ohio where you might have people that get a good education in the State of Ohio but then when it comes to worthwhile employment, state of the art jobs, we find them leaving to go to various states, west-coast, east-coast or wherever. I think it's very, very important that people give this a good consideration as far as keeping our schools strong. For what we as legislators and administration are trying to do as well is attract business and industry. That will come automatically if they see that we do have a strong school system. That they can put their children into and that will consequently that will just add two things and mushroom and hopefully make the city that much more successful as well as the companies and businesses, and naturally the school system.

Councilwoman Holzheimer Gail – Just a few comments. I certainly am glad to see all of Council and the Mayor united on this effort to support Issue 14, the 7.9 mil school levy. I could talk for quite awhile about the success that I've seen in the Euclid Schools. My kids do go to Lincoln Elementary. I've been in probably all of the schools and I can speak firsthand to the wonderful children, the wonderful teachers, the administrators who are working so hard and having great success in improving our schools.

Tonight I want to talk about the effect and the impact on the community. This State is working on fixing funding, but in reality they've cut millions of dollars over the last years from the Euclid Schools. The effect of the Charter School has cost the Euclid Schools \$1.7 million. Even with the school levy, the administration is making hard and is making cuts. They're looking at every dollar that is spent and they will make \$2.5 million in cuts even with the school levy passing. They are looking at improving the efficiency, they are very efficient.

Most school districts are coming back every three years with school levies. Euclid Schools, the last levy was on 6 years ago, they've stretched the last operating levy six years. I believe very strongly that the key to our future is our Euclid Schools in attracting families, attracting homeowners, attracting businesses, they look at the state of our Euclid Schools. Our Euclid Schools are doing a great job and will continue to do a great job with the support of the community.

I believe in the future of Euclid. I believe in the future of our children. I believe in the Euclid Schools. We can all work together to help support the schools to support the children who will be our future. We owe that, not only if we have children in the schools, but if you have a home

in the city, if you live in an apartment. The success of our schools and the success of our community are very linked. I hope you will all join me in voting yes on Issue 14. It is the key to our future. I think we in all working together will go very far. I commend the School Board, I commend Dr. Jones. They have very high goals for the school and I think they're doing a great job at achieving them. Thank you.

Councilman Langman – I had the opportunity yesterday to drop off lots of literature to lots of people in the second ward. There are concerns out there as to the cost of the levy. But it will cost far more if we don't pass the levy. As I explained to some of the folks that had their concerns, the course of our schools, the health of our schools, is far more important than the marina, it simply is. Because without good schools, the marina project will mean very little to future of this city.

A civil society invests in the education of its children. Yes, there are a lot of people that are mad and I think some of their anger is misplaced because the Euclid Public Schools are well run. There is no financial scandal in the Euclid Public Schools, unlike what we saw in Mentor. In fact the proof of that is that they've waiting 6 years before coming back for another levy request. The anger is misplaced because it's the legislator of the State that keeps failing the children of this State. Until that changes, we will have to come back every few years. I say, we, because all of us in elected office understand the link between the schools and the health of the community. It doesn't matter how many housing projects we build, the ultimate strength of the community rests upon the strength of the Euclid Public Schools.

I tell folks, I stand four-square behind the levy. I think the schools are doing a great job. I think that if you want to rail against the way public schools are funded, that's perfectly legitimate. Talk to your State Rep and your State Senator. That's where the responsibility lies. I wholly agree with the Mayor, until this State tackles that fundamental issue in school funding, Ohio will lag behind other states. It's a simple fact.

Again, please get out and vote on May 4<sup>th</sup> and consider voting yes like I am for the school levy.

Councilman Delaney – With all the parochial school kids up here, I'll shoulder in after Daryl Langman. As the Mayor said, there are many proud graduates of the Euclid Public Schools, me being a proud member of the Class of 1983. I couldn't not say something in support of the levy. One thing that I've realized in all of my activity with the alumni association, all the history of the Euclid Public Schools, this community has one thing to be very, very proud of and it has produced such civic pride all over is that we've always risen to the occasion. We've always provided for our children. We've always sent them off to do big and wonderful things all over the world. That's the first thing that crosses my mind and I realize that it's difficult and these are terribly turbulent times for money and taxes, but this is one thing that we need to show them we're behind and do. Thank you.

Councilman Delaney moved for passage, Councilwoman Mancuso seconded. Yeas: Unanimous.

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

Passed.

**Res. 56-2005 (332-05) Library Levy**

A resolution in support of Issue #15, a 2.5 mil replacement and 1 mil increase operating levy for the benefit of the Euclid Public Library, which will appear on the ballot of the primary election on May 3, 2005. (Sponsored by Mayor Cervenik and entire Council)

Councilwoman Hufnagle moved for passage, Councilman Daly seconded.

Mayor Cervenik – Issue 15, 2.5 mil replacement, 1 mil increase operating levy for the Euclid Public Library. Probably one of the finest institutions in the City of Euclid. As you heard tonight, many, many people from outside the community do use it, but virtually everybody in the community uses it as well. It is a building that we should all be proud of. It is operated extremely efficiently. The programs and the various programs they have there on a weekly basis or monthly basis, I know I'm there once a month talking chats at the Library. It is always a good time. You're always invited there. We're taking the summer off, but we'll be back in September. Free rental space if you call in advance for various groups and organizations throughout the community. It is just a fantastic facility. It needs our support. It was voted fourth out of five hundred and some odd libraries. Fourth best in the country. I really think if the Library would show off a little bit more they probably could

have ended up being first. I think they'll do that next time. They seem to be a little quiet about some of the great things that go on there. So I strongly urge City Council for passage tonight, as well as all of the residents to please support our Library.

Both these levies are also backed today, the School levy, as well as the Library by the AFL-CIO Executive Board. They feel very strongly that both of these issues are very vital to the continued growth and success of our community and we appreciate their support on that. It is always good to have the unions backing you. They take a lot of time in examining each and every levy and issue before they put their support behind it. Both of these issues are very important for the continued growth and health of our community. Issue 15, as well, please support it.

Councilwoman Holzheimer Gail – There's no question that the Library is a wonderful community asset and something that we can all be proud of. It was interesting to note that this local levy makes up 44% of their operating funds. Without 44% of your operating funds, there's no question that the programs would suffer. I believe the library is also anticipating a 5% cut under the State budget. That could have a disastrous effect on our local library, which provides so many community programs from the Story Times to the community meetings to hosting many of the neighborhood associations, many important community meetings, a number of, not to mention even the wonderful books and movies and music resources that they have available. The computers, we are so fortunate as many of us realize. We don't need someone to tell us that they're 4<sup>th</sup> national to know that we have a wonderful gem here in Euclid. So I provide my full support to the library and I look forward to passage of Issue 15.

Councilman Langman – Schools and libraries, that's part of the civic bond that hold our communities and our country together. Those are places where everybody, all citizens, can be educated and, of course, libraries where all citizens can meet and learn. Our Euclid Public Library has earned your support. Therefore, I wholly support this resolution. Thank you.

President Sustarsic – Any other questions or comments? If I may add a personal note too, it's my understanding that for those of us that can't necessarily afford to get involved with all the databases and everything else like that, particularly publications, newspapers and the like, you can get in on the library website and you can gain access to those. So your knowledge can be expanded even more depending upon what particular discipline you want to go into. Thank you very much for those comments.

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

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

Passed.

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

#### COMMITTEE OF THE WHOLE

President Sustarsic – And again, if you would please appear at the podium my left your right, please limit yourself to 5 minutes. Give us your name and address and speak to anything to the good of the City.

Mr. Tod Guntner – 390 East 257. Wow, everybody's leaving what did I do wrong? First of all, I have to give out an apology. That apology is to the members of the Wolf Hollow Neighborhood Association. I, in my own error, called them the Fox Hollow so I deeply regret making that error and please accept my sincerest apologies for that error.

Next I'd like to thank for everyone who came out and helped at our Cake Auction and Bake Sale, which was last Saturday. We had a dozen volunteers helping out. We greatly appreciate their help. I'd like to thank all the citizens that came out and bought stuff. We had a sell out. Every single item that was donated was sold both in the bake sale and in the cake auction. So thank the residents of Euclid for that.

And now what everybody's been waiting for the Councilmen's/Councilwomen's cake contest. There were 3 entries. The Delaney cake brought \$17. The Langman cake brought \$24. And the Holzheimer Gail cake brought a whopping \$60. Thank you very much to the person that spent not

only \$60 on that cake but \$20 on another cake. I do have a small prize for you. See me after the meeting. I have a small gift for you.

I'd also like to thank Kathy Will and the entire Euclid Parks & Recreation Department for their help and their support. And I do have to say, Mr. Mayor, when you hired Kathy Will as the Recreation Director, you picked a winner. Not only was she there at 8:15 in the morning helping us carry in our things that we needed to bring; but when I was done at the end of the day and I was tearing down posters from all of the doors, I walked into the room. You know what Ms. Will was doing? She was breaking down tables. I can't thank you enough for your support and your energy and I only see great things from Euclid Recreation Department.

Next, I'd like to thank the Euclid Homemakers Association for their invitation to speak at their monthly meeting on the 11<sup>th</sup>. That was very enlightening. It's a group of senior citizens and we had a lot of fun.

Okay on Friday, April 13<sup>th</sup>, we are holding our 2<sup>nd</sup> Annual Bark-B-Q. This is a catered rib dinner; ribs, chicken and all the fixings, at the Manor. It'll be from 6:30 to midnight. Cocktails, which is beer and wine, is at 6:30. Dinner begins approximately 7:30. There will be raffles and prizes. There'll be dancing until midnight from Ben Richie and he has been with us for the past 2 events and does a great job. And we'd like to see you all come out. I have tickets in my hand. We have tickets at the Shelter. They're \$30 each and like to ask for your help in supporting the Euclid Animal Shelter and all of our homeless animals.

And at this time I'd like to bring up a donation that was given to Pet Pals. It was in the amount of \$50. This donation is in the memory of the fireman who recently passed away, James Mataraza. This donation comes from his wife, Kim; their dog, Sonny, who was rescued from the Shelter 7 years ago; and Mary from Drug Mart. So I'd like to thank you for that donation.

And last but not least, there was some information, misinformation given. I don't know where it came from. Recently Master's Church held a Pancake Breakfast and someone was under the impression that Pet Pals was responsible for this. I do need to let you know that Pet Pals did not have a pancake breakfast this year, although, that's something that I wish we did have. This was put on by another rescue group called, Paws. So I just wanted to make that correlation that Pet Pals did not have a pancake breakfast this year and well, maybe, we will later on, who knows. Thank you. Good night.

Mr. Vince Riha – 1515 East 195<sup>th</sup> St. I must say that Councilwoman Holzheimer Gail's husband must have a sweet tooth.

I just wanted to say that some people question the right to ask questions. And I think it's every citizen's right, no, responsibility to ask questions of their Administration. Unfortunately, my questions have now created another political football; but that's the game. I do have some questions, though, that I would like answers to. Probably directed to Mr. Frey, I wondered how the audit from, I believe it was the Justice Department, concerning our civil rights violations is coming. Has it been completed?

Director Frey – Mr. Riha, the, I spoke to the attorney from the Justice Department today. She indicates that she is still reviewing the materials that were submitted by the City. She has no directions or advice for the City nor does the Justice Department have any position at this point in time.

Mr. Riha – And then I have a question concerning the old Reliance or Seaman's property. It's now owned by the Port Authority being leased to Marine Mechanical. Does it pay real estate taxes? I don't know who to direct that to.

Director Pietravoia – Yes, the property will continue to pay real estate taxes.

Mr. Riha – So the Port Authority does have to pay taxes? Good. Also, I understand that, this one's directed, the rumor I heard, and I don't like to deal in rumors, but I understand that you, Mr. Mayor, have done personal income taxes for City residents, is this true?

Mayor Cervenik – On occasion, yes.

Mr. Riha – Well, I thank you and like I say it's every citizen's right to question to make sure things roll smoothly. Thank you.

Dr. Joffrey Jones – Hello again. When I spoke earlier, I was urging support and I want to thank you publicly for your support of the school levy and also to thank Mayor Cervenik and Council

members for their apt and supportive comments. I would, definitely, you'll be getting a call in the next or two to be on our speaker's circuit so on, did a great job, thank you very much for your support.

Mr. Jack Hagenbaugh – 20200 Hillcrest Dr. First of all just a question, am I permitted to complete the statement I started earlier?

President Sustarsic – Yes.

Mr. Hagenbaugh – What I finished off with was the opportunities that exist in Euclid schools. From my observation the curriculum is more diverse than in many costly private or parochial schools. Euclid provides advanced placement, honors, college prep and a variety of vocational and technical classes and tracks. Euclid education has provided graduates within the last 4 years the education, educational foundation to go on to prestigious institutions, such as Brown, MIT, Notre Dame, Georgetown, Ohio State, Purdue and the like, many on full or partial scholarships. The Euclid ROTC program's one of the best in the country providing graduates each year the opportunity to attend one of the U.S. military academies.

A recent Euclid High School class graduated 3 Eagle Scouts, who are now all studying engineering at Ohio State. There's also recent graduates now attending medical schools.

I, personally, have 2 daughters who attended Euclid schools K through 12. Their Euclid education provided them the academic foundation to go on to State universities in Ohio. My third child is thriving on the opportunities available to him in Central Middle School.

I would like to commend the Mayor and each City Council member for supporting this measure. Thank you.

Mrs. Rebecca Conway – 291 East 276<sup>th</sup> St. I just have 4 questions for Mr. Frey. First question is why was Michael Butler hired as an outside counsel to supply legal advice to Miss Cahill, our Council Clerk, in regards to the recall petitions?

Director Frey – You want it answered now or you want to ask all your questions?

President Sustarsic – Did you want to give all the questions and then he can answer them?

Mrs. Conway – No, I, they're very short.

President Sustarsic – Okay, whatever. Mr. Frey?

Director Frey – Thank you. One of the requirements of an attorney is to avoid conflicts. Because I am appointed by the Mayor, I, and the recall efforts were directed towards the Mayor. I thought it the most appropriate way to handle that to bring in an outside attorney to represent the Clerk to answer her questions regarding the petitions that were presented, any issues that she had to deal with, with determining whether a particular petition or signature on a petition should be accepted or rejected and to deal with the Board of Elections in the signature verification process.

Mr. Butler, as I'd indicated to Council, is a former Assistant Cuyahoga County Prosecutor in the Civil Division. One of his responsibilities in that position was to represent the Board of Elections in election disputes in election matters. He is exceptionally well experienced in that area. He was, therefore, a logical choice to represent the Clerk of Council and in fact has represented her in this matter, advised her, given her advice and worked with the Clerk and the Board of Elections to address questions that were raised regarding petitions submitted.

Mrs. Conway – Was there any other associates working with him or was it just Michael Butler?

Director Frey – It was Michael Butler.

Mrs. Conway – Just Michael Butler, okay.

Director Frey – He's a sole practitioner.

Mrs. Conway – And how much is the City paying per hour for his services?

Director Frey – As I indicated to Council, the agreement with Mr. Butler was to pay at a rate of \$200 an hour.

Mrs. Conway – Okay. Now, is he still on the payroll seeing that the recall petitions have all been turned in?

Director Frey – There are issues until the recall petitions are completed. The signatures verified by the Board of Elections and a determination made whether there are sufficient petitions. I would assume Mr. Butler would continue to answer questions that would be posed by the Clerk of Council. He's not on the payroll. He will submit a fee bill to the City of Euclid for approval.

Mrs. Conway – Do we know how many hours he's worked thus far?

Director Frey – I don't. I've not seen a fee bill from him yet.

Mrs. Conway – Okay. Thank you for answering those questions.

Chief Maine, do you know when Safety Town, the dates for Safety Town will be? There's a few moms and I that've been wondering.

Chief Maine – Since we just found out about the Weed-N-Seed grant and that's what was going to fund Safety Town, we weren't going to have it otherwise. We have to identify somebody who's going to run that program and as soon as we have some dates, you're not the only, there's a lot of people who are asking. So as soon as we know those dates we'll get them out.

Mrs. Conway – Do you know if it would be in June, July or August or? Trying to sign the kids up for other camps and.

Chief Maine – We'll try and do one traditionally has been done. That's been generally in June and July I believe, correct?

Mrs. Conway – I believe so, yes.

Chief Maine – So that's when we'll try and do it again.

Mrs. Conway – Okay. Thank you.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. Lower Lake Shore Drive, now that sings, doesn't it? You've got to admit.

Number 7 and #8, I went to parochial school and I went to the 9<sup>th</sup> grade at Shore. I'll tell you my grades went up when I went to Shore and through the high school. Your high schools, your schools, you can't say enough about them. They're fine schools.

The library where you extend your knowledge is one of the finest. Spending time in front of the library recently, I'll have to say again more people come out of this, from out of this city use that library. So we bring more people into the city to our restaurants, our gas stations and whatever.

One of the things the people out there are going to have to do is call our State Representatives, our Governor, maybe have him come up here and see what we have here in Euclid. I was just told recently that they're cutting funding to schools, but we're giving more money for jails. What does that tell you? It sounds like a mixed up system to me. If we can fund jails but not schools. Parents you should raise up your voices in unison and say no way. Fight for our schools; fight for our children, our future.

Mr. Sustarsic, Councilman Sustarsic, are you in housing?

Councilman Sustarsic – Pardon me?

Mr. Berzinskas – Are you in the Housing Committee?

Councilman Sustarsic – Yes, I believe so.

Mr. Berzinskas – Okay. The homes that are foreclosed on that are abandoned in the City, have you given any thought to that of what we can do to stop that in the future? It's coming close to 300 homes.

Councilman Sustarsic – Right.

Mr. Berzinskas – That's money lost to this City. This is something you all should start getting on the band wagon about, stopping predatory lending and really working on it. If you want help from the citizens, the School Board, the library, Henn Mansion, Shore, the Hunger Center, these are all helped by volunteers from the City. People that work, have a job but still find time to get on boards, to go out get petitions, anything, walk the streets. Get a hold of these people. Use the people in the City, they're a resource that is not tapped enough. I can tell there's a lot of pride in the City 'cause when you work with these people they're proud to do it. And a lot of them are crossovers. They're on one committee or another. We've got good people in the City use them.

I think that we didn't really hear, Mr. Cervenik, Mayor Cervenik, your answer for that 2004 tax. You did some?

Mayor Cervenik – There seems to be a lot of interest in my personal life and what I do when I'm not Mayor and that has to do with for 24 years I was a partner in an accounting firm right here in the City of Euclid. The job I have now does not preclude me from doing anything, such as that. But for the record, yes, I have hired someone. Number 1 my business partner, Michael Gallagher, has pretty much taken over the practice. I have hired a person to prepare and do the tax returns. Yes, I do review them. I do prepare some. There is no conflict of interest. There is nothing that precludes me from being able to do that. And if a client ever has a problem with the City tax, normally, the only problem anyone has with a City Tax Return is that you didn't file. Because it's pretty, city taxes are pretty straight forward. For most individuals you take your W-2 numbers and you put them on the return and you pay the appropriate tax. If one of my clients or one of the firm's clients ever did have a problem with their city taxes, I would not be handling that client. My business partner, Mike Gallagher, would be doing that or they would have to hire an attorney, which is many times the advisable case. So I hope that answers your question.

Mr. Berzinskas – Well, sure, well April 15<sup>th</sup> is over with so you have some free time so I was wondering if you could help us out at Shore? That was my question. We're going to be there the 23<sup>rd</sup>.

Mayor Cervenik – Well, that was pretty cute, Mr. Berzinskas. I'd be happy to help you out at Shore. I've, I think I've given you, helped you out by giving you 60 days to come up with a good plan.

Mr. Berzinskas - I know and really anybody that's sitting up there right now if you have free time. I used to work at CEI. We used to work shift work. It was really hard to get into anything in the city. Since I retired, I can get into things in the city. It's really good to see your neighbors, friends, your neighbors across town come help in anything from the dog warden, to the dog pound to Shore to Hunger Center to the Henn Mansion. Thank you.

Mr. Victor Goodman – 20201 Glen Russ Lane. First, I'd like to state Elvis was a hit. Took over Euclid. Would have loved to see a lot, some faces from up here down there. But I just want to commend Miss Lennon, Ginger Lennon. She put on a one hell of a show. But there's someone else to be recognize. There would've been no show if it would not have been for Kathy Will coming out from her house to take care of an issue. Otherwise there would have been no show so Kathy, you're one heck of an employee.

I also want to express my personal thanks to John Conway and his family for giving up nearly 2 years of their life for convictions.

And now with all due respect and for the good of the City, I truly hope that the questions I will be asking tonight will not be taken personally. If so, I can't help that. I'm simply asking them to get clarification of issues.

First, I would like to read from our Charter. Thankfully, due to another citizen, he brought this to my attention. I am amazed that it was not brought to my attention by the Law Director. I am citing 501.20. It states clearly interfering with civil rights. It states no public servant under color of his or her office, employment or authority shall knowingly deprive, conspire or attempt to deprive any person of constitutional or statutory rights. Such violations of this section if found guilty of interfering is considered a misdemeanor of the first degree subject to either 6 months in jail up to or \$1,000 fine. Police Chief Maine, I do certainly hope that you will abide by the Charter in future meetings.

And I do have a question and I'll expect answers at the end. A lot of them are to Mr. Frey. I was first given this by the person and it had different wording than the one that is now on the internet on the website published by American Legal. Can you tell me if the Charter has been

altered or why weren't all the words as they were done a year ago not the words done today? There are words eliminated. So I'd like that question answered.

Accountability, if you fear it, you should step aside now. When elected officials go on the record or by actions they have done create questionable situations, they must and will be held accountable. If that is a problem, it is one of their own creation. If you do it right or even somewhat right the first time, you have nothing to fear.

Now I'd like to direct questions directly to Mr. Frey. Mr. Frey, Mr. Delaney in the April 4<sup>th</sup> meeting stated that he asked you about the possible conflict of interest with Mr. Van Bergen and he asked you to send him your opinion. I have a copy of that opinion that you sent him and yet there's no opinion here. I would like to know what part of the Charter you used. What ordinance relating to civil service? What Attorney General opinions? What Ohio Ethics Commission opinions? What case law and what Ohio Revised Code? The reason I am asking you for these, sir, is because in the December 6<sup>th</sup>, 2004 meeting when asked by a corrections officer why she was getting laid off by gender and not seniority you stated on the record that there is a qualified job requirement that has been reviewed by the Civil Rights Commission by the State of Ohio and there is a recent 6<sup>th</sup> Circuit Court case that deals with the same issue that indicates that municipalities may make gender-based determinations on government and requirements for positions it goes on. But you stated here that you had the right by due diligence to do that. That was overturned so that is why I am asking you politely for the actual decisions so to make sure that these won't be overturned as well.

Now I also have these three questions as well. Why was answering questions of the Clerk of Council relating to the recall petition considered to be a conflict of interest? You have stated that, but I want to know why we have \$250,000 worth of legal people here and not one of them could be used. I also want to know why would the citizens of Euclid have to pay for an outside counsel when that actually might have been paid for the committee...

President Sustarsic – Okay, Mr. Goodman, your 5 minutes is up.

Mr. Goodman – I'd like to ask a poll if I can get additional time.

President Sustarsic – I'm sorry.

Mr. Goodman – That's part of the Charter, sir. I can ask for Council to, to, to ask...

President Sustarsic – Right, but your 5 minutes is up.

Mr. Goodman – Okay. Thank you very much.

President Sustarsic – And we appreciate it. Thank you.

Mr. Goodman – Like those questions answered.

President Sustarsic – Before you answer any questions, I thought we were going to get out of going in to a changing of the tapes but it doesn't look like that. So what we can do is take maybe a 3 or 4-minute break and then we'll come back and resume.

We'll go to Law Director Frey, if you would like to comment.

Director Frey – I, I do have the research and the opinion that was connected with the matter with Mr. Van Bergen participation as a development member. I sent a letter to City Council on April 13<sup>th</sup> explaining the materials that I reviewed. I assume that's what was being referred to. The, pull it out...

President Sustarsic – Excuse me Mr. Frey, if we could please postpone the conversations a little bit, Mr. Frey does have the floor. Thank you.

Director Frey – Thank you.

President Sustarsic – Please continue.

Director Frey – So for point of reference if Mr. Goodman is interested, he might want to look at State, exrel. Baden vs. Gibbons 17 Ohio Law Abstract 341, the Ohio Attorney General opinion 85-042, the Ohio Revised Code Section 2921.42, Ohio Ethics opinion 91-011. Quick perusal of my notes indicates those were the sections that I was looking at as well as the City Charter dealing with

the Civil Service Commission and a variety of other opinions as I went through the annotations on the Attorney General's opinions, cases and the Ethics opinions.

Mr. Goodman – Can I just ask if you could e-mail that, sir? I'll give you my e-mail later.

Director Frey – Secondly, I'm not sure I understand what words were eliminated. If there's a difference, if it's 501.20 of the Codified Ordinances, I would be glad to look at both the printed version and what appears on the website. The printed version is the controlling document. If there is a difference between those, then we need to get that corrected. I don't believe there's any legislative change, which is the only way we would have a difference if it's that Code's section.

Then I think, at least the last one I jotted down, the question is why no other attorney in the Law Department could represent the Clerk of Council in this matter. There is one other civil attorney in the Law Department and Ms. Vento is employed by the Law Director and the Mayor of the City of Euclid. So I think it would have been subject to the same criticism had I been the individual or Ms. Vento had been the individual who was advising the Clerk of Council. So in prudence in adherence to the ethical considerations, I felt it best that we bring in outside counsel. So, hopefully, that answers Mr. Goodman's questions.

President Sustarsic – Thank you.

Mrs. Penny Riha – 1515 E. 195<sup>th</sup> St. First of all, I want to congratulate Chief Maine on getting his grant. I know how difficult that is to do and I'm looking forward to working with you in our neighborhood.

Next I want to talk about the citizens of Euclid and cooperation. Everybody up here ask the citizens of Euclid to cooperate and vote for the school levy and they do for the most part. They ask them to vote for the library and they do for the most part. But being on the other side and being a citizen is a little harder because the cooperation doesn't always seem to flow as freely. I've worked with citizens of Euclid now. I graduated from Euclid in '61 and I've been working with people here ever since on various projects like Indian Guides and Boys League and marching band and Historical Society and I don't know what. I find the people to be really terrific and I can't really understand why Administration would have so much problem working with people to let them do what they want to do with Shore because no matter where you go in this City the things that the citizens have done are marvelous. That's what makes the City great. I don't care whether they're interested in baseball or arts, you know, they deserve the same cooperation that they dish out and I don't see them getting that.

And another problem that I see is we're setting a really bad example for our kids, you know. About once a month I get my grandchildren on a Saturday and the first thing they want to do is they want to come to the library and they want to come to that terrific playground over there Memorial Park. Now they want to know why the parking lot is so full of garbage. They don't, you know, they don't have the concept of the difference between recycling and garbage. But I want to tell you it looks terrible. It looks terrible to bring people here from different baseball places, different venues and, and look at that garbage. They've got to walk over that garbage to get to the park. You should see the number of people on Saturday that come here with their little kids to the library and then trod over there to that playground right through the garbage. Now as smart as we all are, can't we figure out some better program? Don't we owe it to the citizens to cooperate right back a little bit? Obviously, they want to recycle, so why don't we scratch around and see what we can do about it? Thank you.

Mrs. Ginger Lennon – 22450 Seabrooke. President of the Elvis Shake, Rattle and Roll Fan Club and I'm here to give all of my thank you's for the City for we had a really great show. I wanted to thank everyone for your help and support for St. Jude's and PKD and Shore. We did have some glitches last Saturday and I really want to thank Kathy Will for her hard work and dedication to help get the problem resolved. I want to thank Mayor Cervenik for appointing Kathy Will for that position because she cares about people and she is dedicated to her job. So I really commend her for that.

I want to also thank Up Stage Players for their wonderful help in the concessions. We did have a great job even after all the glitches. We were an hour delayed. I apologize to everyone. I feel really, really bad. It was unforeseen and out of our control. We did have to get a generator for the problem to correct it, but we did have a great show and Walt Sanders and the Cadillac Band got a standing ovation.

Everyone in the show was very, very happy that they came and I would definitely do another show there under different circumstances, but I would. Up Stage Players was terrific.

I also want to thank Victor Goodman because he was very helpful in that situation. Thank you very much, Victor.

I also would like to say please vote for the levy. We really need it. Thank you.

Mr. Martin Snyder – 15 East 221<sup>st</sup> St. The reason I'm speaking tonight is I have some concerns about traffic, particularly school zone at Babbitt and Fox southbound. The school zone speed limit sign is quite obscured by the Walk/Don't Walk sign that's just immediately in front of it and also in that school zone the warning sign for the school zone is before a traffic light. Then you come to the traffic light, sit for a while and start again. And every morning I drive through the zone, I know the zone's there because I was cited for speeding through the zone. That's why I'm talking about it. And that citation, as a matter of fact, was reduced. I brought an attorney in on the case. He took a look at the sign. The Law Department took a look at it and decided there might have been a problem but there's been no change. I also e-mailed Dr., the School Superintendent about it. But really even though I know it's there, I'm looking right for it. Sometimes in the morning I find myself driving at 35 right through that zone. It's very difficult to see and I think it's a safety concern.

And I have two other issues of traffic on Babbitt. At, at Babbitt Road turning left onto I-90 southbound. There one lane turns left; one lane goes straight and the other lane turns to the rights. I think that both lanes should be left turns because every morning traffic backs up, you know, to the other intersection behind it. There's no cars in the center lane. There's cars lining up in the left lane. I don't see why you couldn't have two lanes turning left. And also turning right onto Babbitt from Lakeland, in the evening there's a 3-6 p.m. restriction right turn only. But at 7 o'clock you still have cars lined way back. That should be similar where the right turn should be a right turn only all the time. And maybe these traffic situations were established at a previous time in Euclid, I just moved here last June., when the traffic patterns were different. But now those, you know, are several insufficient traffic situations. I didn't know which Council person I ought to address for those particular instances so I thought I would come up and speak. Thank you very much.

President Sustarsic – Okay, thank you, and would there, Mr. Gulich?

Director Gulich – To the person that just spoke, please stay 'til the end of the meeting, I'll be glad to set up a meeting, if myself necessary; but with Mr. Carlo, our Traffic Superintendent, and be glad to discuss these issues with you. Thank you.

Mr. Joe Udovic – 21371 Naumann. About 8 weeks ago I came up to this podium and asked the Mayor three questions. From what I picked up this evening I understand he's been very busy for the April 15<sup>th</sup> tax deadline amongst his other duties as I've been very busy myself. To reiterate the questions, 1) how is he planning on utilizing Charlene, Councilwoman Charlene Mancuso, Councilman Daryl Langman and Councilman Pat Delaney? I was even nice enough to e-mail, I mean not e-mail, fax him these questions and I have not yet heard a response. If you want more details, I'd be glad to spend a few minutes in clarifying my questions.

As far as Councilman Delaney, he knows Shore in and out. During the past 3 weeks I had an opportunity to spend much time at Shore. Be it the Blood Bank, be it the recent cake auction for Pet Pals, basketball league, yoga, jazzercise, number of events. I had time to walk around the building and see the whole condition. So that's my first question.

As far as Ms. Mancuso, from what I recently understood, I think she's being honored by Cleveland State University Alumni Association for all the work she's done. She has a very high background in financial planning.

Mr. Langman has spent years prior to being a Council person discussing lakefront development and breakwall development. So Mr. Mayor, if you have some time, I would love to hear my response to these questions. I know it's been some time and maybe you just put them on the back burner and not had a chance to respond to them, but I'll give you plenty of opportunity after I sit down to listen to your responses.

Another question I do have, as a political representative, why are you employing the firm of Burges & Burges to run your campaign? Could you not, do you not have your own campaign manager or friend who runs your campaign strategies for you? That's another one of your concerns. A few, a couple of years ago when I was planning on running, I was planning on doing in-house and not spending this unneeded cost. Thank you very much. Have yourself a very good evening.

Mayor Cervenik – My interpersonal relationship with member of Council is really none of Mr. Udovic's business and I don't have any reason that I need to comment on them. I try and work with Council people as best I can and it's a two-way street.

Secondly, the questions concerning a campaign and who I hire or anything else have nothing whatsoever to do with City business and I won't even comment on those. Thank you.

Mr. Tom Cooke – 25641 Edgecliff. I would like to make a comment regarding the Euclid Sun Journal's April 7<sup>th</sup>, 2005 front page article regarding Rev. Rodney Maiden's photographed on the front page allegedly reaching out to the residents of Euclid. I've addressed this issue months ago regarding Providence Baptist Church suing the residents of Euclid. The issue of Providence Baptist Church building a church in Euclid and a housing development is a done issue as far as I'm concerned. The issue of Providence Baptist Church a.k.a. Rev. Rodney Maiden suing the resident of Euclid is not.

I ask this question again. How do you Rodney Maiden expect me to welcome you with open arms when you have both your hands in my pockets trying to shake me down? How do you sit there with a smile on your face and talk about and to referring to Euclid residents and I quote they're our fellowman. Let's work together. We're a church. We're supposed to bring joy into a community. We just ask what did we do wrong? We don't want to sue them. End quote.

Rev. Maiden, you just answered your own question. As long as you hold this lawsuit over the heads of the residents of the City of Euclid and me, I for one will not welcome you or your church to this community. Rev. Maiden, you say you are a man of faith. If you really believe what you preach and if your parishioners believe in what you preach, then drop the lawsuit and give me a phone call. I'm easily reached. Until then I don't care how many interviews you give or what newspapers you, publish your photo, whether it's the New York Times or Mad Magazine. My position will remain the same. I would like to think, claiming as you do, that you are a man of faith. How you handle this situation can be a prime example of your faith in practice or you can be like most everyone else in the secular world who believes that justice begins and ends with a dollar sign. Thank you.

Mr. Ray Petrie – 353 E. 232<sup>nd</sup> St. I would like to share with the Council and this community that the Euclid Diabetes Support Group met this evening and celebrated its 8<sup>th</sup> anniversary. It began 8 years ago after two residents died prematurely from complications of diabetes.

Diabetes is a serious condition. In my estimation these two men lost 5 to 8 years of their life to this dreaded disease. At that time the technology and treatment is not as good as it is today. And treatment is getting better. Those who might have diabetes or at high risk to have diabetes need to take this condition seriously and they need to take action. They need to work with their primary physician and other team members to keep their diabetes in control so that they will be healthier longer and enjoy life more. Perhaps even see your grandchildren graduate and get married.

Past technology kept some people from controlling their diabetes as well is available today. Technology is getting better and better and better. Thanks to the many scientists throughout the world a search, a cure for diabetes continues. One day there will be a cure for diabetes. Until then we need to be serious; we need to be vigilant. But our lives do not have to be stifled because of diabetes. We can have fun at the same time taking care of our diabetes. For example exercise is one thing highly recommended.

Exercise does not have to be dreaded. You have choices. You have many choices as what to do to kept physically active. Being physically active does help keep your blood sugar under control.

Another area is food. We have many food choices. Yes, I did say choices. Some food we need to avoid. We also need to watch our portions. So we are highly involved in the ability to control or permit our diabetes to run out of control. If you are overweight, I advise you to consult your doctor and other health professionals to assist you because generally trying to lose weight is a real challenge in itself. But yet there are many people who have dedicated their lives and careers to assisting people on a daily basis whereas each individual needs assistance. Without engaging their professional assistance you will not be helped with their area of expertise and profession.

Because diabetes is at a stage now where anybody from young babies to people in their 90s are being diagnosed, it is very important for us to pay attention so that we can have a healthier life as long as we do live. Thank you.

Mrs. Audrey Kaplan Goodman – 20201 Glen Russ Lane. Director Frey, the opinions you stated earlier, if you'd be so kind as to e-mail them to my husband so we can look them up. I'll be happy to give you the web address after the meeting's end. Thank you.

And with all due respect and for the good of the City, I'm really confused as to the decorum of this Council. So I come tonight in front of you very bewildered and befuddled. Several other citizens have come before you in recent weeks and months and have asked that this Council be polled on such subjects as did they participate in the recall and did they approve of the settlement of the Hillandale issue.

I want to poll the Council tonight on another question. Who do you work for? Do you work for the Administration or do you work for the people? And by Charter you are all required to answer that question immediately upon the conclusion of my comments.

Wonder why I'm asking the question? The answer is very simple. On March 30<sup>th</sup>, 2005 an Executive Committee meeting was held in these Chambers. It was to be followed immediately by Councilman Delaney's Business Committee. The Council President and Councilwoman Hufnagle were both present at the Executive Committee meeting and are both members of Councilman Delaney's committee. Councilman Delaney had announced his meeting in advance so that all his committee members had plenty of notification. So I ask specifically to the Council President and to Councilwoman Hufnagle why did you walk out after the Executive Committee leaving no quorum present? I ask you both also why did you not inform Councilman Delaney that you would not be present? You both took an Oath of Office to serve and protect. How did walking out accomplish that? I will now sit and wait for your answers.

President Sustarsic – Thank you. Mrs. Goodman, first of all if you recall, Councilman Delaney scheduled the meeting, I believe it was March 23<sup>rd</sup>. We later scheduled the Executive Committee for the 30<sup>th</sup>, which was a week later. I had it then kept on schedule on the 23<sup>rd</sup> I would have been able to make it, but on the 30<sup>th</sup> I had other commitments that I previously made so consequently, prior to that several days prior to that meeting, once I found out it was on the 30<sup>th</sup> I did contact the Council Office, as we're advised to do, and I did tell them that I would not be attending that meeting; and so consequently, I feel I responded appropriately. And again if there was any way that I could have attended at that meeting in that evening, I would've. If it was a week earlier, it would have been a better fit from the schedule.

Councilwoman Hufnagle – Mrs. Goodman, to answer your question, I believe that I work for all citizens of Euclid. The reason that I was not in attendance that meeting it's really quite simple, I made a choice that evening to allow my son to do something so I went home to take care of him.

As the Council President stated, that meeting was scheduled for a week earlier. It was put on the schedule well in a month in advance of that. That was Spring break and I had stayed home to attend instead of traveling out of town like I normally would have with my family I stayed home to attend three other meetings. I merely made a choice to leave that evening take care of my son. Because there was no legislation in that meeting, I did not miss a vote and the earliest at that night, the earliest we thought we would be voting on Shore would be tonight and I would have ample opportunity to review the tape, review the minutes just as I had done. In reviewing the minutes I did notice that even Councilman Delaney had invited a consultant that night and the consultant had to cancel because he postponed the meeting for a week. So I will stand by my record in attendance of meetings. I think that attending meetings is very important, like I said, I will stand by my record for attending them, for attending all meetings that we're required. We're required to attend several meetings. I think when you question someone's attendance at a meeting, then you give the perception that your attendance is, is unquestionable. And in particular, I think that this Council, and I direct this comment to the Council President because he leads this Council, this Council has an issue with attending Board of Control meetings. And as a matter of fact I attended a Board of Control meeting that I was not scheduled to because the Council rep did not attend it did not contact it and in 2004 this Council missed 11 Board of Control meetings. So I think that we probably do have an issue of attendance with meetings, I'm not sure it was that committee meeting was exactly the issue. But, and, and, there was a resident that called me Thursday morning and I explained that to them. So thank you very much.

Ms. Pearlitha Taylor 1495 East 193<sup>rd</sup>. Tonight my question is to Law Director Chris Frey, and I'm a little concerned about how free Euclid Law Department seem to be with the taxpayer money. Every time it's a problem seem like we have to go outside and hire a firm to handle our problems. And from my understanding I think we have 4 lawyers on staff and no, I'm wondering why can't some of these lawyers or all of these lawyers get together and try to handle some of these problems rather than going outside hiring someone all the time. If you have 4 lawyers on staff, that's basically a firm. And I am just wondering what are our Law Director and the lawyers that are hired making over \$50,000 a year are really doing? Can you answer that question for me please?

Director Frey – I'd be delighted to attempt to answer your question, Ms. Taylor. When Council approved the budget for the Law Department, one of the line items in that budget for the Law Department was outside counsel to handle a variety of particular items that would come up. When you go to the doctor, you go to a general practitioner and if you have something that a specialist needs to deal with that general practitioner makes a referral. It is no different in the practice of law.

You have attorneys who are familiar with various areas of law and then there are specialized areas that you want special consultation so that you do the right thing.

In the case of this matter with the recall petitions, one, I think Mr. Butler has special expertise and, no, that was not the sole consideration. As I clearly indicated tonight several times, it was also the appearance that the law members, members of the Law Department serve at the pleasure of the Mayor. And it was the prudent, the smart thing, the ethical thing to do to bring in outside counsel to represent the Clerk of Council.

And just so the record is straight yes, there are 4 attorneys assigned to the Law Department. Two of them are part time handling the duties of the Prosecutor, which was formerly handled by a fulltime and an additional hours dedicated to that position so now two part time attorneys are handling the Prosecutor's Office. There is an Assistant Law Director and there is me.

Ms. Taylor – All right, you answered my question but I still feel if there's 4 attorneys and I have a attorney that has a law firm, but when I have a problem and I go to my attorney, he does not seek outside counseling. He's able to address the problem that I have. And we're not talking about doctors we're talking about attorneys. And not only that with a City as broke as Euclid, we cannot afford to hire so many outside attorneys. Not only that you do not just work for the Mayor you work for the City of Euclid. And it should be a cap on how much money the Law Department are spending. Euclid is broke. We realize that, but it seem to me that the Law Department is very, very generous with the money of hiring outside attorneys. And that was one of the question and that's one of my greatest concern.

And I wanted to, another thing I want to ask, how many of the lawyers employed by Euclid City live in Euclid?

Director Frey – Ms. Taylor, first of all, I will answer and say that there is a budget established. The Law Department is required as are all other departments in the City to work within the budget that's been established by City Council. We are doing that.

Secondly, to answer the answer question 3 of the 4 of us live in the City of Euclid. The one attorney who does not live in the City of Euclid was granted an exception by City Council to live outside the city due to her spouse being a City of Cleveland employee, who is required to live in the City of Cleveland. That happened prior to this Administration taking office and as you are undoubtedly aware the City Council repealed the residency requirement. So while none of the lawyers are required now to live in the City of Euclid, 3 of the 4 do.

Ms. Taylor – I feel that the City Council should review some of the appeals that they have about City employees also administrative staff living outside of Euclid. As you know, we have 300 plus...

President Sustarsic – Okay, thank you, Mrs. Taylor, your 5 minutes is up.

Ms. Taylor – Thank you, but most of my time went to the Law Department.

President Sustarsic – You gave it to him.

Ms. Taylor – Thank you.

President Sustarsic – Okay. Next speaker please.

Mrs. Bernadette Walsh – 651 East 266. First of all, I don't know how many of you are aware today starts, yesterday actually, starts National Volunteer Week. And if you're looking for volunteers to salute, all you have to do is look out at this audience. Look at your Henn Mansion; look at your Shore people. You have the best volunteers' staff in the whole State of Ohio. In the year 2000 I had the honor of being named the Volunteer Director for the State of Ohio. In all of my travels you have the best and I say everybody let's give them a round of applause.

There's a play called The Wiz and in The Wiz there's a song, No Bad News, and I really wanted to do no bad news; but I do have to tell Mr. Gulich. If you drive down 260<sup>th</sup>, there's pile of tree limbs everywhere and I think the problem is they weren't picked up because they weren't cut correctly. And I did not e-mail Mr. Gruber, who would take care of it for me; but coming here tonight just drive down 260<sup>th</sup> and one pile has been there for 3 weeks in front of a house. I did not get the address.

I went to the Elvis review and let me tell you and especially tell Del Tekieli, who really believes in Shore, that old lady, that stage, was a rockin' once they got everything going. Up Stage Players,

it was a dream night what we could do with lighting and fog machines and sound equipment and electric drums and electric guitars. And we were proud to offer some of our props to them to use. But another round of applause for a lady who goes the extra mile who was there with her assistant who had her little phone going. And you know sometimes you give too much praise and people get suspicious but sometimes you don't give any praise and it's not fair. But I thank you, Kathy Wills, I thank you 150% and we need to give her a round of applause. And I must say our concession stand did very well because people were waiting and they kept drinking.

Now for some more good news, I have a privilege to working with the City of Cleveland and Mayor Campbell's committee and the USO and in September, on September 23<sup>rd</sup> and 24<sup>th</sup> something called, The Spirit of America, is coming to the Gund Arena. The tickets for Spirit of America are going to be free. Friday morning is geared for school children. It is not a celebration of the military; it is a history of America as brought here by the United States Army and it comes from Washington, D.C. And I got another e-mail today to tell everybody tell the world. If any teacher in Euclid wants tickets, I would like to put my group of tickets together by July. I will get them out to you and mail them to you. All you have to do is pass the word. If you call me at 216-623-7461, I will put the literature together. There's teaching forms with it. There's programs. There's CDs to show you what's going to happen. This is a live performance and it's all done by combat soldiers who are acting out. There are no actors. The second half of it is all singing. So you have a 2-hour show; it's free at the Gund Arena and it's a great advantage for any school kids.

I'd like to review in closing the plot of another play and the play is called Les Miserables and the theme about Les Miserables is a revolution started over a loaf of bread. And everybody thought the loaf of bread would go away. And everybody thought the bread would become crumbs. But the bread never went away and the revolution grew. Thank you.

Mr. Michael Akos – 307 East 271<sup>st</sup>. Director Gulich, I always get this question. Is there anything we can do about people coming up to the lights on Lake Shore Boulevard from side streets that have the lights and make the left hand turns a little bit easier 'cause there's always a long wait. That's just one of those odd, normal questions there. I know it's on the computer and you've explained that before, but sometimes you're sitting there for a couple of cycles and there's no cars around and it's not like it used to be on the magnets and you could get right out.

Director Gulich – A very fair question, probably, in all the city-wide traffic re-signalization that was completed 3 years ago that's the #1 question. And again, the opportunity is to get the main drags to move and, of course, it is a computer controlled system so, again, being one of those people just like yourself who's had many occasions to wait 60 seconds at make the left hand turn and most every case where it makes sense we've minimized that time in an attempt to alleviate that problem and not create a problem on a main drag. But it's kind of difficult to do that across the board. Another suggestion was during the off hours 2 o'clock in the morning on weeknights to put some of those on flash. Unfortunately, we can't put those on flash and still have the crosswalk signals work. Course you might ask, who's crossing at 2 a.m. virtually no one of course. We cannot make those dysfunctional on purpose and there are people out walking their dogs in the middle of the night, so I'm told; but I haven't been out to see that. But again, still, we continue to monitor the, this system-wide and where we can we do minimize that. And again, it was part of the system as it was planned as it is computerized again.

Mr. Akos – I kind of agree with that at 2 a.m. I don't think anybody's paying attention to the signals to begin with, but that's fine. Thanks. I know a lot of people probably sit there and look at it because you can sit at Lloyd or 266<sup>th</sup> or any of the other streets, 195<sup>th</sup> and Lake Shore. It can be a pretty long wait and you look down either way and there's nobody out there and you just wonder. It's because the computer's catching somewhere else.

Director Gulich – Yeah, it is innate into the computer system and Lloyd Road is a very good example of that. That's the intersection I use quite a bit and again, my wife reminds me of how long she has to sit there whenever she has to.

Mr. Akos – Okay, thanks. Chief Maine, this just something I saw Friday night. You have spoke for many years about the need and the service provided by Euclid's Auxiliary. I happen to be northbound on 260<sup>th</sup> about the Imani Church on Friday evening. There was a serious car accident over there. Looked like one car was pretty well demolished, another car was face-first into a telephone pole. There were 2 Euclid Police cars there. There was a life squad there and there was a fire truck there. All dealing with the situation, but out in the street you had a Euclid Auxiliary patrol officer, a regular civilian, directing traffic and making sure that the police and the fire were

able to deal with the victims. That was Tom Cooke and I just wanted to let you know he was doing a pretty decent job out there keeping everything squared away so.

Director Johnson, 2 weeks ago I was asking about the debt load of the City and I may have been unclear as to exactly what I was talking about with the debt. You had mentioned there was \$38 million in un-voted debt in the City and I thought it was kind of a confusing answer because I was under the impression it was something greater than that and that's where I wasn't sure if my question was clear to you. So I went back out on the website to take a look at it. The long-term debt in the City of Euclid was approximately \$55,800,000 and the short-term debt is approximately \$6,100,000. That's through the end of 2003. I didn't see any figures for 2004 because they may not have been planted up there yet.

The question I was trying to ask at that time was had to do with, we had that bond rating reduction earlier this year. Part of that was due to the fact that the \$5 million reserves has been bled off over the last couple of years in the previous Administrations and Councils for what they needed to have done at that time. How much of this debt issue that's based on the evaluation of the City, how much of this debt issue was a function of that reduction in our bond rating?

Director Johnson – The amount of the debt?

Mr. Akos – Right, if you add the two together, the long-term debt and the short-term debt of the City, through the end of 2003, now I don't know how much we may have paid off between now and 2004 and I'm out of time here, is approximately \$62 million. I was just curious what was that, as a function, how did that factor in for the debt reduction, the reduction of the bond rating for the City?

I'm out of time that's why I was asking it real fast.

Director Johnson – The amount of debt had no impact on the rating. I did get an e-mail from Councilman Langman and I did respond to that e-mail, Councilman Langman, and I copied all the rest of Council. I may not have understood your question, Mr. Akos, but the question started from Mr. Delaney, who first of all asked what was our debt capacity? And the second question was what is our, at least from what I understand it, what was our remaining capacity? The figure that I gave to you, which is \$30 million, is the amount of our General Obligation Long-Term Bonded Debt. I referred to it as traditional debt and I think I qualified it. I didn't refer to it as bonded debt, but that \$30 million in long-term bonded debt is what is rated and is what I referred to as what is affected by the rating and that is the debt that I was referring to that is only impacted by our Bond Retirement Fund's ability to retire the debt.

Yes, there is other outstanding debt. There is outstanding debt from OWDA. There's outstanding debt from Ohio Public Works Commission, but all of that debt, they're loans. First of all, they're not bonds; they're loans and those loans are all paid back by either, Waste Water Treatment, Peterson Fund or some other fund or they're special assessments that are dedicated to retire that debt. So I guess maybe I didn't understand your question, but I was trying to zero in on Mr. Delaney's initial question, which is the debt that is impacted by the Bond Retirement Fund. That is the only debt that's actually, we have a capacity limit on if you will and that's why I was trying to zero in on that. Address our capacity issue.

Mr. Akos – Thank you. I appreciate that. I wasn't really trying to tie that into Mr. Delaney's comments, though, and Councilman Langman, thank you for your help on that.

President Sustarsic – Okay, next speaker please. Thank you very much. Next speaker.

Mr. Kent Smith – 34 Charleston Square. Euclid School Board member. I come very briefly tonight with some invitations and some thank you's. First of all, thanks very much to the Council and the Administration for your support of Issue 14; and also a thank you for the community and their support of the Face, Place and Hope for Community photo show, the group photo show that was over at the library. It's now up at Lake Shore Coffee House so if any member of the community would like to come by and see it, it will remain there for at least a couple of weeks.

And an invitation to this body, the members of this audience and anyone watching at home, this meeting obviously as a public forum has often times has become a place for questions about the schools and the levy or other school related activities. We have meetings as well, also, twice a month. We would invite any member of the public who has a question about school finance or anything having to do with the operation of the public schools to please come to our meetings if you would like and feel free and ask us and we will try to provide you with helpful and factual information so as to best address the questions that those residents might have. We usually meet the second and fourth Monday of the month. We will meet a week from today at Memorial Park

Elementary School. Usually the second meetings of the month are held over at the Fordyce Building. Often times are, I'm sorry, the first meeting of the month is often held at the Fordyce Building and our second meeting of the month often times is held at a different school throughout the City. But please we would welcome the community to come and ask your school related questions to your elected School Board members.

And finally, an invitation and overture to work together on the fireworks show. I would think that as I sat next to the Superintendent and the Treasurer as you were all having fireworks display, discussion, I think that if you would want to make use of the stadium, we could probably work something out and we would just need to get the two different bodies of government to talk facts and figures; but I would say without holding any of us to it because we don't have those numbers, we would certainly be predisposed to trying to be as helpful as we can to make sure the fourth of July fireworks is a success for the entire community. So thanks very much. Thanks again for your support of the levy and we look forward to having conversations with you on the fireworks.

President Sustarsic – Thank you and seeing no other comments or questions from the audience at this time, we'll have a motion for rise and report.

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

#### COUNCILMEN'S COMMENTS

Councilman Langman – Law Director Frey, I read your comments regarding the recall petitions and I think you did yourself and your position a bit of a disservice, quite frankly. First of all, while you do serve, obviously, at the pleasure of the Mayor, you also serve the City Council and the residents of this City. And since the recall is a part of the Charter, I believe that, although in your eyes it was a prudent measure to recuse yourself from considering those factors, I think you would have done your position much good, and yourself, if you would have stepped up and looked at and dealt with those issues. After all, even though you are appointed by the Mayor, you do have other constituents that you do serve. So I'm a little troubled that, in fact, using Ms. Vento, who was not appointed by current Mayor Cervenik, as sort of the umbrella to recuse yourself. I understand what you did. I think, again, you would have served yourself better by simply tackling the issues head on and I think the Mayor would have respected you for doing that as would myself and, I'm sure, residents throughout the City and even those that actually signed the petitions. So with that I will turn to Director Gulich.

Mayor Cervenik – I firmly, regardless of the comments that the Councilman just made as relative to my feelings, I stand beside and behind the decision the lawmaker, the Law Director made.

Director Frey – If I could please, Mr. Chairman? Councilman, one of your colleagues on Council sent me a rather biting e-mail on April 8<sup>th</sup> questioning the, the fact that, as he indicates, it appears you have a conflict of interest here. So you have that comment and you have your comment tonight and I would suggest to you, sir, that it's damned if you do and damned if you don't. And in that situation the Ethics Code says step out and so that's what I did. And I think that was the right decision and I think it was made for the right reasons. I respect your disagreement with that. I do think the residents of the City of Euclid and City Council and the Clerk of Council and the Administration were best served by having outside counsel on this case. Thank you.

President Sustarsic – Thank you and you had a question for Mr. Gulich.

Councilman Langman – I do and I do respect your opinion, Director Frey, but I stand by my opinion.

Director Gulich, we've talked about the Golf Course and, I guess I'll bring in Director Johnson, too, as to the monitoring of the project and I assume that you are both monitoring it very closely. What was received via my request for information so far is pretty skimpy. Do we, in fact, have more up-to-date data on the progress of the spending regarding the Golf Course Clubhouse project?

Director Johnson – Yes, absolutely, we do have, as a matter of fact, all the information with regards to the status of the entire project. As I related in my e-mail to you, what I'm trying to do is search between 20 or 30 pages of detail, which would probably be not as, this is not meant as an insult, meaningless information to you to summarize that in a way that would be meaningful to you and

provide the level of detail that you're looking for, which is why I was looking for previous reports on the other projects because...

Councilman Langman – I have sent that to you. That originally came from you so I hope that's helpful in compiling this information.

Director Johnson – This project is a little different because there's only one contract with one contractor. We didn't do 7 or 8 different contracts with all the mechanical trades, but I will, I am working on it and I believe I have something that will provide the level of detail, hopefully, that you're looking for without boring you with all the gory details. And I will get that to you this week.

Councilman Langman – Thank you and one last item for Director Gulich, if you can relay the contents of the e-mail regarding the traffic signal at 238<sup>th</sup>, that would be very fine.

Director Gulich – We sent our traffic people just this afternoon down to Twinsburg to pick up the equipment that's necessary to do those repairs. It had to be custom made for us. I suspect by the end of the day tomorrow that intersection will be up and running. The whole signal will be functioning tomorrow.

Councilman Langman – Thank you.

Councilwoman Mancuso – First of all to respond to some residents that have been asking me repeatedly when they are going to see some public notification or minutes or summary of the Health Care Insurance Committee. We have held our second committee meeting last week and approved the minutes from the first committee meeting so I would assume those minutes will come forward at the next Council meeting as a committee appropriately and they are public knowledge. So for those people that have asked me about them, the first meeting is done and the minutes have been approved by the committee and the second meeting was held last week.

Secondly, the Building and Standards Committee will be holding a committee meeting on April 25<sup>th</sup>, which is next Monday, at 7 p.m. to go over the issues of the garage sales and the different ordinance changes that may be undertaken. I would ask that the people that are on that committee please make every effort to attend. And if we could get whatever information is available from other cities before hand so that we can look at it so we can come to some kind of resolution that night to bring back to Council. And with that I'll say good night.

Councilman Sustarsic – I think we've heard a lot about the School levy and the Library levy, I mean, I don't know how much more I could add on to it given what we've heard, but it's very, very critical to our community to have both these levies passed. I know a lot of people, you know, concerned about paying more; but I mean, it really would be worth it in the long run. I mean, it'll be tight for me but this is important to the future of this community and my family as well. I have a youngster at home, too, who's going to be in the school system probably within the next 5 years. It's important and we've got to do it now.

I'm looking forward to the Arbor Day Celebration. It should be a nice day. Hope the weather is, cooperates so we have a nice day like we did today and I'd just like to wish everybody a good evening. Good night.

President Sustarsic – Based upon what happened this evening I'd like to offer congratulations to Chief Cosgriff. May you use the three cardiac monitors in good stead but, hopefully, not that often so that we can keep them that much longer; but at the same time keep the people of Euclid that much more healthy.

Chief Maine, I'd like to congratulate you on the grant for the Weed-N-Seed. I know it's always difficult and in you're in a pecking order relative to the national forefront with other communities and everything else like that.

Arbor Day, as was mentioned, is coming up and I would encourage everyone to show up at those ceremonies.

In as far as the vote coming up for the school and the library, I would really urge people to go out and educate yourself as to the issues and the impact that they will have on the community and what you can do to participate in that.

I'm looking forward to working with the Mayor, the Administration, Council and the Museum of Natural History on that one particular parcel that'll be coming up and we're looking for good things from that.

I'd like to congratulate Councilwoman Holzheimer Gail. I'd love to see a \$60 cake. I don't know if I've ever seen one coming from Council, but it must be fantastic and I thank you for that.

And lastly, I'd like to thank Flat Stanley for staying up as late as he did. I know it's passed his bedtime because he's got to go to school in the morning but was real appreciative of that. And with that I'd like to say good evening to everyone.

Councilman Daly – I'd like to announce a Recreation Committee meeting for April 27<sup>th</sup> at 7 p.m. here in City Hall. We will review the advertising proposal. We will also look at the changes that the Administration would like to make in Memorial Park and since we will hold a separate meeting on the legislation tonight, maybe we can get a Golf Course update at the Recreation Committee meeting April 27<sup>th</sup>.

A resident brought up that the Port Authority, governmental body, owns a building in Euclid and whether it was taxed or not and it is a taxable building. Providence Baptist Church, even though they are a religious organization and are tax exempt, on the property that they own for their worship service the parcel 2/3 of the land that they own that is not for worship but was for the planned housing development is taxable and is taxable to them right now.

These two examples are the reason why I contacted, I know it was just within the last day our Finance Director on the proposal that's being brought forward by the Shore Board as far as a business incubator bringing in for-profit businesses. I would like the Finance Director to check into if the taxes on that building will change and it will go from being a tax-exempt building to a taxable one to what extent. I know a \$13 million building will be roughly \$300,000 a year in property taxes so I doubt that it's going to be at that level, but Director?

Director Johnson – The, I have been in contact with the County Auditor's office, actually on another issue, and the person that I talked to was a Mary Mihaly in the Exempted Department in the County Auditor's office, what she indicated to me regardless of whether the City continues to own the property or not that the use of the property is what dictates whether the property becomes taxable or not. So if the use of the property ceases to be public, public use, it begins to be used by private sector, ongoing concern, enterprises for-profit organizations the property then becomes taxable. The question is who owns the property will pay the taxes. So if the property is deeded over to the Shore Board, the issue of whether it becomes taxable, I think, is obvious; but if it remains in the City's name, the City then becomes obligated to pay property taxes on that property if the use of the property is for for-profit concerns so.

Councilman Daly – And this is something as they work on their proposal 'cause I know one of the goals is that we can reduce the burden on the City, we might want to make sure that the focus of the proposal, you know, takes all into account some of these other factors.

I'd also like to commend the Law Director for hiring outside counsel, even though we have a very knowledgeable Clerk who's been with us a long time, I believe this is the first recall effort that she has experienced and especially given the fact that one of the leaders of the recall effort was quoted in the paper, I believe shortly before but if not shortly after the petitions were turned in, accusing the Law Director of game playing and so I can't see how you could not hire outside counsel. And then after hiring outside counsel immediately criticized the Administration for that and for the expense so even though accusations had already been made.

And lastly, as my time is running out, I would like a point of clarification from the Chair. As residents come to the microphone, I believe they're supposed to ask all their questions and then after finishing then the answers are given so that it doesn't become a debate and also so that the answers don't eat up into their time as we saw here tonight. I think, I'd like to know if that's going to be our rules going from here on out.

President Sustarsic – Thank you. I think what would be most expedient would be if, in fact, people did step up and ask all their questions at once and then, consequently, be able to get all their questions out because otherwise depending upon the complexity of the answer they might not get all the information that they want. So I would think that it would be in the best interest of both the audience and the Administration and those people on Council to give all their questions first and then, consequently, get all those questions answered. Thank you.

Councilman Delaney – Director Frey, thank you for copying Council the letter about my question from last meeting with the Shore Condo offer; but, obviously, with issues being watched by many of the public not just Mr. Goodman but several people have contacted me and I would agree I would also like to see the specific opinions that you cite. Where in the Charter? Where what ordinances? The Ohio Ethic Commission, the court cases, where in the Ohio Revised Code? Even if you could

just send me the links, I can run most of that down myself; but if there are copies of the opinions, I would like to see those. And maybe rather than if we can't put it on the links of the City website, maybe a copy of that could be left in the Council office and that way some concerned members of the public can pick it up there.

And on a positive, wonderful note I would like to congratulate my colleague, Charlene Mancuso, on June 3<sup>rd</sup> she'll be inducted into the Cleveland State Distinguished Achievement Awards. I was very, very impressed to see how many, how many people she will share this honor with just to name a few Congressman Louis Stokes, Alex Machaskee of the Plain Dealer, Bart Wolstein, the list is just a who's who of our area and what they've done and this is something I'm really honored to have her on this Council and serve with her. Thank you all.

Councilman Gruber – First of off, I'd like to start off by thanking Mrs. Tomsic and her Boy Scout Troop 367 two Sundays ago for having an Eagle Scout induction. There's actually three. There's David Yafonaro, Brandon Smith and Sean Campbell. I believe Brandon is #54 at Ohio State and he could not attend but his parents live in Indian Hills and I know them very well and they're very proud of their son as are the other two families. And in 20 years Troop 367 produced 24 Eagle Scouts so that's quite an accomplishment to you and your fellow scout leaders. Mr. Campbell, I know, is one and several others. So congratulations to you, Mrs. Tomsic.

Number 2, last Monday I believe it was, I got a complaint from a resident about the recycle bin located at Fire Station #2. So after I left the resident's home I went to the Fire Station #2 and the bin had just been dumped but when I was on the scene there was broken glass in the parking lot. There's still bags blowing around and one of the firemen came out. And I ended up going in there and talking to them for quite a while. And I know, Chief, you might have heard some same complaints and I brought this up with the Mayor and Director Gulich; but there are serious safety concerns with that bin being located there in relationship to the firemen getting out of the Fire Station. The, the look of the bin being there is inappropriate for that setting and I pledged to the firemen and spoke to the Mayor and Director Gulich on finding a proper location for that. They're even having difficulty servicing the truck because of the room that the bin takes up in the parking lot there. And it's just, just not conducive to have it that location. So Mr. Mayor, you know, I spoke with you and I spoke with Director Gulich and I'm sure we can find another location for that bin. So I'd appreciate that.

Arbor Day, this is in honor of Mr. Eckart, who was Councilman in the City of Euclid for 18 years. He was a pioneer in greenspace prevention in the City and I think it's a fitting honor to bestow this upon him. Great individual, wonderful leader and I'll be happy to attend those festivities. And I believe it was Councilwoman, was it you, Mrs. Hufnagle, that suggested that we use Mr. Eckart this year? So congratulations to you.

The school levy, I saw what a positive impact the opening of Indian Hills School had on the surrounding community. It's, it's a necessary evil. We have to support our schools; we have to have the best we can for our children so they can grow up and sit up here so.

And then the library, that goes without saying. It's one of the greatest resources we have in northeast Ohio. That's well worth supporting. Not even northeast Ohio but the entire United States so we have to preserve what we have and it's not always easy and it's not always cheap but it's the right thing to do. So thank you.

Councilwoman Holzheimer Gail – In talking about the school levy, I happen to look down at my pen, and this is fitting, I'll read the quote from it. It says our progress as a nation can be no swifter than our progress in education. And that was a quote from John F. Kennedy. It's, just happen to have that with me tonight.

And I share my colleagues congratulations to Councilwoman Mancuso and will point out she's another fine example of a Euclid graduate so I will that congratulations as well. It's a wonderful honor.

I, congratulations, Chief, on the Weed-N-Seed funding, I know that was questionable for a while so congratulations on that continuation and I look forward to talking with you about the expansion to the north side. I'll be happy to help in that regard.

And one final announcement, Lincoln Elementary is celebrating it's 50<sup>th</sup> anniversary this year and is looking for any photos, mementoes, stories, memorabilia from the last 50 years. So anyone out there that may have something from themselves or their child who attended Lincoln at some point in the last 50 years, please call Lincoln and be a part of that wonderful celebration to come in May. Their number 797-4250. Thank you.

Councilwoman Hufnagle – Jai Walton asked me to make this announcement this evening. It is time again for the community garden and there are still a few plots available. You can call Ms. Walton at 261-8480. This is the second year for the community garden. It is located in the Willow Arms neighborhood, Ward 3, right next to the Valley Pool. It's a nice bright spot in that part of the neighbor. So if you have that interest, I would encourage you to call Ms. Walton and become a part of that garden.

The other issue I would like to take a stand on this evening is that I support the Law Director in his hiring of the outside legal counsel. I think it's very clear that this Council is divided on the recall issue. I think that, I think certain ones of us have made it very clear that we feel that recall is wrong. It is wrong for the City. The charges against the Mayor, the charges that were against members of Council are false. They are not true and Ms. Cahill, the Charter clearly states that Ms. Cahill is elected by this Council to serve at the pleasure of this Council. And the only way that Mrs. Cahill does that job so well is because she remains neutral and she does it very professionally. Now, she's asked to go through her first recall. The Charter leaves it up to her to determine whether or not the petitions are valid. Now even reading the Charter myself, I've looked at the petitions. I questioned the petitions and some of their validity they did not follow the format that seems to list in the Charter that's my interpretation. I'm sure that the people that put the petitions together have their interpretation of it and that is exactly why we need outside legal Council. I am concerned that we are spending \$200 an hour for it. I think we should all be concerned that we're spending \$200 an hour. We should also be concerned that this recall election is going to cost the citizens \$40,000. But that is the price of the recall. I support the City in hiring the outside legal counsel only because Ms. Cahill deserves that benefit of having that. Not that I don't think she would do, she would do that job adequately without it; but she deserves to have a person as neutral as her that she can go to and interpret the Charter with and deal with the Board of Elections.

Any one of us that have been elected knows what it's like when you go down to the Board of Election. They're not always the easiest to deal with and, in fact, when you pick up your petitions to run for a candidate from the Board of Elections, they do look quite different than the recall petitions that were turned in. So you could see where there would be questions and you could see where there would need to be an outside neutral body that could answer those questions. So that is all I have for this evening. Good night. Thank you.

President Sustarsic – And we have a comment from Chief Maine.

Chief Maine – At the last Council meeting Councilman Langman had asked whether we had any pictures, renderings of the west side mini station that was going to be built. I do have a picture if you or any other members of Council would like to see that after the meeting, you're more than welcome to. That's it.

#### ADJOURNMENT

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

Attest:

---

Clerk of Council

---

President of Council