

**COUNCIL MINUTES
MAY 2, 2005**

The regular Council meeting was held on Monday, May 2, 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: Acting Mayor Frey, Public Service Director Gulich, Finance Director Johnson, Recreation Director Will, CS&ED Director Pietravoia, Police Capt. Repicky, Fire Chief Cosgriff, Housing Manager Petkovic, Commissioner Torowski, Clerk of Council Cahill.

Invocation was given by Sister Phyllis Ann from Our Lady of Lourdes Shrine.

COUNCIL MINUTES

Councilwoman Holzheimer Gail moved to approve the Council Minutes of April 18, 2005. Councilman Gruber seconded. Yeas: Unanimous.

COMMUNICATIONS

Councilman Gruber moved to receive without objection a new D2 liquor permit to City of Euclid DbA Briardale Greens Municipal Golf Course, 24131 Briardale Ave. & Golf Course. Councilman Daly seconded. Roll Call: Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Acting Mayor Frey – I send greetings from Mayor Cervenik who is unable due to medical issues to attend tonight's meeting. The Mayor had a surgical procedure a week ago today. He fully expected that he would be back to work last Thursday or Friday, although the Doctor told him his recovery period should be somewhere in the neighborhood of two weeks. I think the Doctor has been proven correct. The Mayor hopes to be back to work this Thursday if things progress.

We have been as Directors in daily communication with him as needed to allay any concerns the Mayor is up-to-date on what is transpiring in the City from an administrative and legislative perspective and wishes he could be here with us this evening. I know you join me in wishing Mayor Bill Cervenik a speedy and complete recovery. We hope to see him back at City Hall this Thursday.

We have Public Service Director with an update on the City Recycling program.

Director Gulich – A quick update on drop off recycling. As everyone is aware by now we did move the drop off recycling from Sims Park to the Municipal lot between Tops and the Theaters. Everyone it seems has managed to find it very well. I would encourage people to please check the containers. Often times there's still room available, there's openings on the other side. Often times I go by I see items on the ground that could fit in there. We do try to be diligent to make sure we have full containers all the way because there is a \$150 charge for every haul. I hate to be paying for partially full containers to be pulled away. We will continue to monitor the situation. I would hate to put an extra container just to take up more room. I appreciate everybody's cooperation and again we'll continue to try to make this work as best as possible. Thank you.

Director Will – I'd like to take this time to thank everybody that anticipated in the Annual Arbor Day Ceremony this past Friday. Although the weather did not cooperate, it was a great tribute to a wonderful man. I know the Eckart family was very, very thrilled with everything. Again, thanks to all those that came out and supported that day. I really appreciate it.

A reminder that we will be having our family Bowling Night at Wickliffe Lanes this Wednesday, May 4th from 6:30 to 8:30 at Wickliffe Lanes. We do still have a few lanes open so if anybody is interested in it, they should contact the Department at 289-8114.

We're still accepting registrations for our youth sports programs. At this time we do have openings in all of our sports, however some of them are filling up very quickly. You can register at the Parks & Recreation office on Tuesday from 3:00-7:00 pm.

In cooperation with the City of Euclid, the Chamber of Commerce will be holding a clean-up Euclid Day on Saturday May 14th from 9:00 AM until Noon. If you're interested in helping out cleaning up the city, you should report to the front parking lot of Shore Cultural Centre at 9:00 AM on Saturday May 14th.

The Shore Cultural Centre Corporation along with Silhouette Productions will be presenting Jesus Christ Superstar at Shore on May 13, 14, 20 & 21 at 7 PM and on Sunday, May 15th at 2. Advanced tickets can be purchased at the Cultural Centre, Monday-Friday from 10 AM – 4 PM.

The Euclid Civic Orchestra will be presenting their annual pop concert on Sunday, May 22 at 3 PM at Shore Cultural Centre. Tickets are available at the door.

Director Will presented Res. 57-2005 to members of the Euclid Youth Hockey Association for their outstanding 2004 Hockey Season.

Acting Mayor Frey introduced Miss Poppy 2005 Christa Burrows.

REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to receive the Service Committee Minutes of April 13, 2005 and the Board of Control Minutes of 4/11/05 and 4/18/05. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

LOT SPLIT

Lot Split – 23555 Euclid Ave. Council should approve or overrule Planning & Zoning Commission's approval to Argo-Tech Corp. to allow a lot split of property located at 23555 Euclid Ave. (P.P. #647-14-001) from one single parcel into two separate parcels.

Council should also approve or overrule Planning & Zoning Commission's approval of a variance allowing a 45' reduction of the frontage of the above lot from 75' to 30'.

Director Pietravoia – You may recall that it hasn't been that long ago that the City has worked very aggressively to retain Marine Mechanical Corporation here in the City of Euclid and to allow them to grow and expand here in our community. This is the last step in that process. They are acquiring from Argo-Tech a portion of the Heritage Business Park complex where they will maintain their existing testing facility at that location. This lot split will allow that to occur and the variance that's also being sought this evening will allow for a portion of the lot to come out to the public right-of-way which is required by our code.

This was seen by the Planning & Zoning Commission at their last meeting. They actually did a site visit because it is a very complex lay out on the campus in order for them to understand the split that was occurring, they each personally attended and did a site visit at the location and ended up approving unanimously. The administration also recommends very strongly that council approve this lot split and variance so that Marine Mechanical can go forward with the last steps in their move and growth here in the community.

Councilman T. Sustarsic moved to sustain Planning & Zoning Commission's approval of a Lot split at 23555 Euclid Ave. into two separate parcels. Councilwoman Holzheimer Gail seconded. Roll Call: Yeas: Unanimous.

Councilwoman Mancuso moved to sustain Planning & Zoning Commission's approval to allow a variance of a 45' reduction of the frontage of the above lot from 75' to 30'. Councilman Langman seconded. Roll Call: Yeas: Unanimous.

COMMITTEE OF THE WHOLE

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

Mr. Jerry Corbran – 24250 Maplewood Dr. I'm looking at #11 here, a Resolution in support of Mayor Bill Cervenik. If this is in regard to the recall situation I suspect that there might be a little conflict of interest. If this should pass, he couldn't sign it, so I would suppose Mr. Frey would have to sign it. I suspect that this benefits the Mayor and I don't think it really belongs on this agenda and I suggest pulling it.

Mr. Mike Mihalich – 101 E. 202. I'm going to talk about #6 about adding the Chapter 1744 for garage sale regulations. Last week Councilman Delaney stated during the Building Standards and Housing Code Enforcement Committee Meeting that garage sales are an American Tradition and I agree. However, in our city the past couple of years it has been an American Tradition Gone Wild. I was a bit surprised to see that there was no recommendation for passage from this Committee.

Back in the beginning of February I brought forth to Council legislation that was derived from other cities that have garage and yard sale legislation in their codified ordinances and had so for many years. I was told them by our city officials that we were working on our version and finally 12 weeks later, we have something on the table.

Though I do prefer my legislation, I'm supporting yours. Why I prefer mine is because I feel yours is lacking in a few areas and one of them is I don't think there is a provision in there for revocation of the permits. I don't think that you have anything in there in regards, actually you do have it for the fee, but I think the fee is a little short of covering our costs for administrating the permits. One other thing, I think you should reduce the number of garage sales from 4 down to 2.

I still recommend passage and I know you have to start some place and believe me, time is of the essence. I truly believe that the passage will not affect 99% of the people who wish to have garage and yard sales. It will only affect those who abuse the American tradition to transform their homes into weekend open-air market places. Let's raise our standards in this city and vote in favor of #6. Thank you.

Mr. Harvey Hutter – 1446 E. 204 St. I would like to discuss #10, Resolution directing the Cuyahoga County Board of Elections to submit the question, shall Bill Cervenik be allowed to continue as Mayor of the City of Euclid? to the electors of the City at a special election to be held July 12, 2005.

The special election window is from June 27 to July 12th. Question I have is, don't we need to get back to business, let's get it over and done with. Let's move it up to June 27th rather than July 12th.

#11, Resolution to support Mayor Bill Cervenik. Bill Cervenik in a way is a candidate for the office of Mayor. He's campaigning to stay in office. When was the last time that Council supported a candidate of any kind? We all know how the vote will go. Majority will get it and if that's what Mayor Cervenik wants, that is what he gets. I think its absurd.

Mr. John Conway – 291 E. 276. I'd also like to discuss Agenda #10, which deals with the language in the proposed date for the special election. There's one thing that I thought we all agreed upon and that was if the recall was going to take place, we should do everything possible to determine a final outcome as quickly as possible. Most people agree that the majority of the city supports or if the oppose the recall, it will be impossible for the city to move forward unless the recall takes place as quickly as possible.

It is very disturbing to me tonight that the legislation is being sponsored by the Council President, who under the City Charter potentially could succeed the Mayor if the Mayor is voted out during this special election. More importantly it is also very disappointing to many of us that the Council President has recommended July 12th as the proposed special election date. Tonight for the good of the city, we're requesting that the special election date be amended to be held sooner rather than later. The earliest possible date that the election can be held based upon the date the Clerk of Council certified the petitions is June 27th. As you are aware, each day past June 27th makes it more and more difficult for members of the community to work with the Board of Elections on the time lines associated with the certification of the election results and you may ultimately deny voters right to elect a new Mayor in November, if indeed Mayor Cervenik loses the recall election.

From my point of view, the only reason that you are recommending July 12th, the last possible day to hold the special election, is to allow the Mayor more time to mount a campaign to save his job and guaranty his potential replacement will remain in office until 2007 without having to face a vote in November.

Additionally, we feel there is a tremendous conflict of interest if either you Council President Sustarsic, or Councilman Tony Sustarsic has any role in determining the special election date. We believe that you should both abstain from any debate and any vote on the recall election. We believe that it is an obvious conflict of interest to influence the election process in a way that personally benefits you and your family.

Simply put, we again request that the date for the special election be scheduled for Tuesday, June 27th. I'm sorry, June 27th is a Monday. As I stated earlier, there's absolutely no legitimate reason to delay this process except to help the Mayor and the person next in line of succession. We followed the City Charter and we met all the requirements for an election, but that election should take place sooner than later.

I would also like to make a few brief comments regarding Agenda #11, the Resolution in support of Mayor Cervenik. I would like to thank Councilman Daly for having the respect to sit down with me this morning to discuss the Resolution and his thoughts behind the recall. I also appreciate his offer that he extended me to be available to answer any questions from members of council while debating this evening the merits of the resolution of the recall.

As I discussed earlier, I feel that having this type of dialogue during a council meeting would be inappropriate and would not accomplish the desired results. However, I'm absolutely committed to having a series of meetings throughout the community to answer any questions about the recall and I would be certainly willing and happy to work with you to schedule those meetings throughout the community so that we could have positive and meaningful dialogue regarding the recall.

What is most important to me over the next two months are that people are provided the opportunity to discuss their feelings, openly and freely about the recall. The people who make the final decision on the outcome of the recall need to make an informed decision. Regardless of what they hear or who they hear it from, they will have a tremendous responsibility when they cast their vote. Thank you.

Mrs. Susan McGinn – 141 Sunnyclyff Dr. I'd also like to talk about #6. I am in support of amending the ordinance. I liked Mr. Petkovic's idea of the 4 garage sales per year and a refundable deposit and a fee for a permit. I agree that maybe two is sufficient. I don't know of anyone that needs 4 garage sales a year, but I do like the whole idea of making people more accountable and it also gives Mr. Petkovic's department something to fall back on so he can regulate it.

I'm one of the people who called Councilwoman Holzheimer Gail last year. I got tired of seeing cars parked on Lake Shore Blvd. People with flood lights in the evening, after dark, so they could continue with their sales. I agree it is a potential blight issue and it needs control so I hope you'll support passage of this this evening.

Mr. Joseph Udovic – 21371 Naumann. First I'd like to address #11. I've been coming to these council meetings for a number of years now. I started when I was in High School and in my adult life started back in the 1990's. I've never seen any type of support such as this before on the agenda. I think we're setting a very bad precedent here by going through this. What Mr. Cervenik does do and does not do is strictly his decision. Each Council person is allowed to have their own opinion where I do believe what he does is strictly and he's entitled to his own decision. We should not be supporting him, or not supporting him in such type of Resolution.

I would also like to address #10. According to the Charter from what I understand, the election is between 60 and 75 days. Why was the 12th chosen? I do agree with the previous comment that I would like to see this get done and over with myself. This has been going on for sometime and we do need to put some closure to it. If we cannot agree either in the beginning or the end, I think an alternative middle type date should be chosen. An example, two weeks after the 27th, but two weeks before the 12th. I think some type of a middle ground should be found and should be debated. I think this is to important to stretch it to the end. Thank you.

Mr. Mike DiDomenico – 24770 Farrington Ave. I would just like to mention on #7, which is to give a company called CT Consultants a contract for \$120,000. I believe there's a member on this Council that is employed by that company so I am just speculating that the company is getting the contract, or possibly getting the contract on their own merit and not by the fact that this Council member is working for them. I also find it interesting that this particular item is sponsored by a relative of the person who is employed by that company. I think there's some conflicts there that we're giving contracts to people that are directly involved with City Council.

#11, that other people have spoke on, this Resolution. In my opinion, this Resolution is merely a way to make all 9 of you swear allegiance to the Mayor or else, in my opinion, face repercussions. I think that's just political grandstanding, this whole resolution. I think it should be pulled and if its not pulled, remember that you are allowed to abstain and not give your opinion either way. Thank you.

Mr. Victor Goodman – 20201 Glen Russ Lane. Mr. Sustarsic will you kindly take one and pass it. There's also one for the Law Director and one for Mr. Petkovic.

First I'd like to speak on #6. I cannot support this as written. First off, as I came to the meeting, I warned that you're throwing the baby with the bath water. You've succeed not only throwing out the baby, but the mother, father, grandmother and all the children. This ordinance goes way to far in restriction. I don't know why you seek to do it.

In objection you have disenfranchised me. I thought that's amazing because I mention that at the meeting. I'm a salesman. I sell salesman's samples. According to your ordinance, I am disenfranchised from selling. That's ridiculous.

I'm totally against the permit. The reason is this was stated as a complaint driven. I want to ensure your complaint is handled. That's why I have written you a blue print of suggestions. This totally penalizes people who misuse the system, but not the ones who don't. You state that signage cannot be placed in the right of way. If its not viewable, where do you want it, in my house

window? Who is going to see it? You also state that it is to be taken down every day and replaced every day. You also want to put restrictions on where I can place it. Now I happen to have a driveway, that's not a problem for me, but if its on somebody's lawn, that's fine. If you read my suggestion is that everything must be removed on a daily basis and then re-put.

You also do not come up to the point which is the major objection that I heard which is that people are running garage sales, day after day after day after week after week. I state here that you can't run a garage sale closer than 60 days to the last garage sale you've run. You didn't even address that.

Your penalties are exorbitant; \$150 per is exorbitant. Please look at the penalties I have asked for. They are good, they are justified. The first one is free. The second one tells them their mistake, the third one really penalizes their mistake. That is a process. I do not urge support of this. I ask you to take it back into the committee, re-look at some of the ideas that I have given you. They are valid. They deal with everyone of your single objections and they do take away the complaints. But why should complaints on Lake Shore Dr. rule the entire City of Euclid? That I don't understand.

On the other two issues, in respect to #11, Mr. Daly and Mrs. Hufnagle, I honor and cherish your right to support the Mayor. But he is not the school, he is not the library. He does not require an allegiance of this group. In his letter to the public, he names three councilmen, not by name, but by innuendo who are against him he says; and yet you're coming up with a Resolution.

I would suggest to the both of you and to anybody up here, go out like I did, knock on every door you can, stand in front of the library on a cold and rainy day and tell people of your support of the Mayor. That's your right. But this Resolution is utterly ridiculous and is political bias. I really don't know. You're insulting the citizens of Euclid. You're insulting them to be able to look at the issues and make up their own mind. You're insulting them and I hope that they remember that in November.

Lastly I'd like to talk about #10. Yes, I do find it interesting that the 75th day guarantees succession sponsored by the man who gets the succession and not even questioned as conflict of interest by the Law Director. I just don't understand this city but I am certainly going to work for its change.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. Lower Lake Shore Dr. still sounds good to me. Anyway, items on the agenda 3, 4 & 5. You know you are going to be giving money to people and now and in the future, new stores come in, they have to fit into our community. We pay our taxes, we live here, let's make sure they go through the Architectural Review Board. Make them look like Euclid. That's why people move here, that's why people live here because it is Euclid. We do not expect somebody to come in here, sell goods from out of the country and then order us around and tell us what we're going to have to do. They did it in Mayfield Hts. We have to have some gumption. We have to have rights as citizens. If you want to do business here, fit in. Don't put your golden arches down on Euclid Ave. or Lake Shore Blvd. Fit into the city. You can sell if you've got a good product and a good service.

#6, like I said before, can't we all be good neighbors? Inform people if they go over 3 days on a garage sale. Don't fine them. You know, give us credit for some intelligence. Ignorance law, if you don't know its there, or nobody told you before, you don't know what you are doing wrong. Now if you want to hold it day after day after day, or every weekend, I think 2 a year is enough. Give the department something to work with. Give them something to say okay, you've got three days, do your best, sell what you can and you may have another one later in the year. But don't fine people, for crying out loud. Let's all be neighbors.

#11, how dare you. How dare you. People had spoken. They did it in California but the politics are going to have to learn. This country was founded by the citizen politician. They would go out, do their duty in politics and then they go home to a life. Now we have the political politician that all they do is want to strive to be in politics. Come what may and the heck with us. We have a voice, we are speaking. I think you'd better withdraw this #11. Thank you.

Mr. Tom Cooke – 25601 Edgecliff. #6. I am just plain not a fan of garage sales, never did like them. Residential neighborhoods are not retail outlets. I don't like cars parked up and down the streets on a daily basis, on a regular basis, especially when there's kids in the neighborhood. If people want to have a garage sale, let's open up a central location like they do in Valley View, have a couple of days out of the year where everybody can bring their goods or whatever they want to sell to that location and it will be over with in less than a week. As far as I'm concerned, a garage sale is prime time for criminals to come into the neighborhood, case the neighborhood and decide which houses they want to hit and which individuals they want to hit.

Regarding #3, 4, 5, special storefront renovations, grants for eligible improvements. I think you can combine all three of these items in one and I do support passage of these items, they are

instrumental in the storefront renovations in the City of Euclid. I can say that I have seen these storefront renovations and they are nice. These people have definitely taken pride in what they present. The Architectural Review Board and it is reviewed and approved by the Architectural Review Board. Thank you.

Mrs. Penny Riha – 1515 E. 195 St. I'd like to talk about the garage sale law. I hate garage sales. I never have them and I don't go to them. But that's my right, however, this piece of legislation and the time that is going into it is the kinds of stuff that's tearing this city apart. If I have trouble with my neighbor and they're playing their music to loud and its annoying me, I go over and talk to them. I think if your neighbor is really bugging you with garage sales, you might want to talk to them. When we have to legislate everything, we're not creating community, we're creating total discourse. I think we should be doing more to get people to talk to one another instead of trying to legislate everything. What if it comes back and bites us because we're interfering with what people do on their own private property. Isn't there some kinds of rules that you have rights to do what you need to do on your property? I think we should lighten up a little bit, mind our own business and stay out of our neighbors business and really re-think this. Thank you.

Mrs. Madeline Scarniench – 1511 E. 221. #6, I think needs to go back to Committee. As everyone said, we sat and listened to a committee meeting and nothing was really resolved. I still haven't figured out how we're going to enforce this. It doesn't make any sense to me so I would hope that you would consider sending it back to committee.

#7, a comment was made about that. Something I learned many, many years ago and it has been said over and over again, if you read it, it says that it is sponsored by Councilman Tony Sustarsic by request of the Service Director. Tony probably didn't even know that this was on the agenda. When any of the Directors want something on the agenda, it goes to the person whose committee it belongs in. This belongs in Councilman Sustarsic's committee and that's why it says by request of the Service Director.

#11, not all the people have spoken. This on the agenda tonight gives me a chance to say what I need to say. As a member of the community development block grant committee, I would like to tell you one of the reasons why I support this on the agenda and why I support Bill Cervenik. In 2004 more than two dozen storefront renovation projects were completed. These projects represented an investment of over \$3.5 million in public and private funds. They helped to retain 260 jobs plus added 60-70 more jobs. So far in 2005 two new projects, plus the three that are on tonight's agenda and up to \$464,000 in public and private investment.

During the last campaign we talked about becoming a friendly business community. Thanks to Bill Cervenik, this is the first year we have ever received that distinction. If private businesses didn't believe that the current administration under the direction of Bill Cervenik wasn't right for Euclid, do you truly think that they would stay here and spend their dollars? I think not.

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

LEGISLATION

Res. (340-05) UDE – 1st Reading

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Bethlehem Lutheran Church to allow a UR-1 (Daycare) use in a UR-2 (Church) Use District at 24490 Euclid Avenue, Permanent Parcel #650-32-007, 008, 009, 010, and 011. (Sponsored by Planning & Zoning Commission)

First Reading.

Councilman Gruber – I will be waiving the future readings at the second reading in two weeks.

Res. (341-05) - 1st Reading

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Mr. Mohan R. Jain, managing member of Taranga Properties to allow a UR-2 (Church) use in a U-8 (Office Building) Use District, Permanent Parcel #648-30-001. (Sponsored by Planning & Zoning Commission)

First Reading.

Councilwoman Hufnagle – I would just like to make the public aware that I anticipate also at the next Council meeting that we will vote to waive the reading and take a vote on it that evening by request of the Pastor of the Church. Just so the public is aware of that.

Ord. 58-2005 (338-05) Storefront-Lakeshore Dance

An emergency ordinance authorizing, empowering and directing the Mayor of the City of Euclid and Director of Community Services and Economic Development to enter into a Special Storefront Renovation Agreement with Spies Lakeshore Properties, L.L.C., owner of the property located at 22001 through 22015 Lake Shore Boulevard, known as the Lakeshore Dance building, for the provision of a grant in the amount of \$30,000.00 as reimbursement of 30% of the \$100,000.00 cost of eligible improvements, plus reimbursement of up to \$1,500.00 for needed architectural design services. (Sponsored by Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilman Langman seconded.

Director Pietravoia – The next 3 items on the agenda are all storefront projects that were of such a scale that they need to come before Council. You will probably recall that our rules require that if the investment on the part of the city and block grant dollars in the project is more than \$15,000 it requires an action by Council. Anything less than that we can approve it administratively.

There are three very exciting projects here before you tonight that represent a very substantial investment each one of their own merits by the private property owners. They are a reflection of the hard work of Mr. DeWine who has operating this program for a number of years and has brought forward many, many successful projects. I'm very excited tonight to have Mr. DeWine here. He is going to go through each one and explain them briefly for both Council and members of the viewing audience. Thank you.

Mr. DeWine – The first project is Spies Lakeshore Properties LLC project. This ordinance will authorize the city to enter into a special storefront renovation agreement with Spies Lakeshore Properties for the renovation of the building located at 22001 and 22015 Lake Shore Blvd., in which Lakeshore Dance is located.

The owner's intent is to renovate the exterior of the building as per drawings submitted to and approved by the city's architectural review board. The estimated cost of the renovation is \$100,000. The ordinance would authorize a reimbursement of 30% of the cost of eligible improvements or \$30,000, whichever is less, plus reimbursement of up to \$1500 for needed architectural design services.

It is the intent of the owner to do improve both the front and rear of this building. The metal façade is to be removed, a stucco treatment applied to the upper façade. All new windows and doors installed and installation of the burgundy campus sign shown in the rendering. A new entrance to the rear of the building is planned.

This is located near Beachclub Bistro Pizza. Several years ago we linked the parking lots behind this building, behind Mary Mavec and the city owned property. We have to look at this is just another step making downtown Euclid a little bit better.

Councilwoman Holzheimer Gail – I offer my full support to this ordinance. Mr. Spies has proven himself to be a good landlord in Euclid. He's invested a great deal in our community and this will be another piece in what will make downtown Euclid continue to be approved and look good. I urge my Council to join me in passing this ordinance.

Councilwoman Mancuso – What is the time frame for this that we'll be finished with, not just this project but the three of them?

Mr. DeWine – When you say project, this specific project?

Councilwoman Mancuso – Each of them. Are they pretty much on the same time frame?

Mr. DeWine – No. This project the goal is probably September or October to have the front renovation done, which will be taking out all the existing glass, putting in new glass, putting in new storefront, removing the existing façade. I think the rear façade will probably be something that is done probably in the fall months. If you want to, Mr. Spies is here to direct your questions to him.

Councilwoman Mancuso moved to suspend the rules, Councilman Gruber seconded.

Mr. Robert Spies – 25591 Edgecliff. Basically that's correct. We just want to move forward, get the front of the building started. We felt that we had to do something with the rear because of the design that we are going to do to the interior of the building, so we'll probably do that later. It could be 12 months, it could be 20 months, it is hard to say.

Councilman T. Sustarsic moved to close debate, Councilwoman Hufnagle 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. 59-2005 (337-05) Storefront All Auto & Tire

An emergency ordinance authorizing, empowering and directing the Mayor of the City of Euclid and Director of Community Services and Economic Development to enter into a Special Storefront Renovation Agreement with YNOT Properties, Inc., owner of the property located at 22781 Shore Center Drive, known as All Auto & Tire, for the provision of a grant in the amount of \$25,500.00 as reimbursement of 30% of the \$85,000.00 cost of eligible improvements, plus reimbursement of up to \$1,500.00 for needed architectural design services. (Sponsored by Councilman Langman)

Councilman Langman moved for passage, Councilman Daly seconded.

Mr. DeWine – First I'd like to say, YNOT Properties, Inc. if you look at YNOT, that's Tony spelled backwards. Tony Centanne, the owner of All Auto and Tire located at 22781 Shore Center Dr. is here in the audience if you have any questions. I met Tony sometime in October/November 2003. He had acquired real estate on Shore Center Drive which was formally Steve's Tire. We did get acquainted and we talked about fixing up the property making some improvements. He put together some ideas. We, Tony and I, rejected those ideas. Sometime in December, the city commissioned a rendering of the building, that's the rendering of you see here of what can be done. Tony recognizes that the building really needs to be improved. It is one of the few buildings on Shore Center Drive that has not seen any resource directed to it from the Block Grant Program.

This ordinance authorizes a special storefront renovation agreement with YNOT Properties, Inc, owner of the property located on Shore Center Dr. The plan for the property is installation of new windows and doors throughout the building. The addition of windows to the second floor of the building is also part of the plan. Tony plans on that being his offices. The façade and treatment details in drawings has been approved and reviewed by the city's architectural review board. The intent is for the improvements to be accomplished over a period of 18 months. I'm hoping that can happen quicker. Tony has indicated to me that his resources are limited, but I found over the years that sometimes you try to accommodate the property owners. I'll give you an example of accommodating somebody was the Holzheimer's building on Lake Shore Blvd. Preliminary cost of the project is \$85,000 and the city committing to reimburse 30% of eligible expenses or \$25,500, plus \$1500 for needed architectural design services.

Councilman Langman – First I'd like to thank Mr. DeWine who has done a very nice job with this building as with the other projects. I think it adds to the improvements that we've seen on Shore Center Drive starting with the Tops building and across the street at Mr. Spies' property. I think the Euclid Beauty College was another project just recently. The entire street is looking better and better and that is part of the overall agenda to improve the downtown amenities so that our residents spend more dollars in our own community. That obviously benefits all of us. Mr. DeWine should be thanked for your diligence on this project.

President Sustarsic – I would just like to say that it is interesting that when you have other communities such as Westlake, putting together their Crocker Park, you have Legacy Village going up in Lyndhurst and in Euclid I think we have a situation where we already have it, it is just a matter of enhancing it which we seem to be doing, we have been doing thanks to the work of Mr. DeWine over the years. So thanks on behalf of all of us.

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

Councilman Delaney 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. 60-2005 (336-05) Ruff's RV

An emergency ordinance authorizing, empowering and directing the Mayor of the City of Euclid and Director of Community Services and Economic Development to enter into a Special Storefront Renovation Agreement with Ruff, Inc., doing business as Ruff's RV Center, owner of the property located at 25080 Lakeland Boulevard, for the provision of a grant in the amount of \$45,000.00 as reimbursement of 30% of the \$150,000.00 cost of eligible improvements, plus reimbursement of up to \$1,500.00 for needed architectural design services. (Sponsored by Councilwoman Hufnagle)

Councilwoman Hufnagle moved for passage, Councilman Daly seconded.

Director Pietravoia – As you recall we have been working with Ruff RV for sometime. This is probably the most extensive project of the three that are on this evening so it has taken a little longer to pull all the design work together. But Mr. DeWine has the drawings as you see before you tonight and he'll give an explanation where we are with the project. I do want to let the public know as well as Council that Ruff RV is on site, you have probably seen the vehicles parked there. There is very substantial amount of work to be done and the project is really going to be beautiful when it is completed and Mr. DeWine will explain further. Thank you.

Mr. DeWine – In the audience is Rick Stohlman. Rick and his father Dean Ruff, I had a meeting with them several years ago. I was skeptical that anybody could close a deal to purchase Gene Weiss Place for Fitness. I had my doubts about that. Ruff RV Center is located up on Chardon Rd. in Willoughby Hills. Rick and Dean had a vision that they could come to Euclid sell expensive motor homes, sell trailers here in the City of Euclid. I visited their facility up on Chardon Rd. It is cramped, I think this building will be much more efficient for their operation. It is a good adaptive re-use of the racquet facility.

The ordinance authorizes special storefront renovation agreement with Ruff Inc. which does business as Ruff's RV Center. They've acquired the building at 25080 Lakeland Blvd. which was long vacant. The total investment into the facility including acquisition will be well over a million dollars. The group has included fencing, a security wall, garage doors, windows, entry doors, extensive demolition, interior renovations and parking lot resurfacing.

The City through the storefront renovation program will be reimbursing up to 30% of \$150,000 of eligible improvements for improvements being made to the exterior of the building and surrounding area. Items to be reimbursed included paving of the parking lot, driveway entrance, fencing, signs and treatment to the building façade. This project has been to the Architectural Review Board. One of the items that will need to return to the Architectural Review Board is the proposed message center that is going to identify the center along the freeway.

The project will be funded over 2 years with the city reimbursing 30% of the estimated \$100,000 of eligible improvements expenses from fiscal year 2005 Block Grant program, plus reimbursement for needed architect for design services of \$1,500.

Should the city be the recipient of block grants in 2006, a reimbursement up to \$50,000 will be made for eligible improvements to the property. It is expected the fiscal year grant will be directed to upgrading the façade. This building is set back from the street. You really don't see the building from the street. What I've learned in dealing with business people coming into the community is they have to get up to speed. I think it is going to take them a year before they feel what they really are going to need to be done to the building. Initially they've done a great job of cleaning up and improving the project. We're going to help them this summer so that its operational. Provided we have block grant funds next year, we will allocate resources to implement the vision, and I'll say vision loosely because I'm not sure this is exactly where we're going to go. I feel confident that this is a wise investment of our limited resources. I'm pleased to see this building be put to use.

Councilwoman Hufnagle – Mr. Pietravoia, I'd like to thank your department for working so diligently to bring this company here to Euclid. I would like to thank Mr. DeWine who has gone out of his way to keep me informed of every step of this development. We're very excited to have it here in Euclid, a new business in Euclid. It is a great use of the space. It is much better than some of the other alternatives that were previously discussed for that space. We are very happy to have it here and I encourage my council colleagues to support this as well. Again, thank you for your hard work.

Councilwoman Mancuso – Point of clarification, this has gone through Architectural Review Board did you say?

Mr. DeWine – The initial vision for the property was submitted to the Architectural Review Board. The sign graphic that you see there needs to go back to Architectural Review Board. They've done Planning & Zoning for I need my memory refreshed. We're very liberal on the amount of signage we will allow on the freeway, the size. This is going to have a changeable letter system that sends messages. That required a permit from Planning & Zoning.

Councilwoman Mancuso – I guess I'm clarifying, you said the vision is fairly loose vision, but the building has been through Architectural Review Board and passed as we see it?

Mr. DeWine – Yes.

Councilwoman Mancuso – So do you think it is going to change dramatically? You sounded a little not sure.

Mr. DeWine – What I don't want is, they have a large atrium area. In my meetings with the owner, they've not said this is exactly what we want to do. We need to get into the facility, we need to get operating to find exactly what it will be. But loosely it will be something similar to this.

Councilwoman Mancuso – Will they go back to the Architectural Review Board if it changes?

Mr. DeWine – Yes ma'am.

Councilwoman Mancuso – So what we're seeing is what should happen. If it changes, they have to go back?

Mr. DeWine – That's correct.

Councilman Daly – Approximately 10 years ago we moved our business from Lake County in a new strip center, back into Downtown Euclid. At that time we were looking at a location that needed some work, needed parking. We took advantage of the storefront renovation program and made that possible. I'm happy to see here another Lake County business that is relocating into Euclid and I would like to thank them along with the prior two pieces of legislation, those owners for investing. This program helps renovate structures that maybe were not suited or built for long time and I would like to thank them and I support this. Thank you.

Councilman T. Sustarsic – Part of the plan, I see the garage door, I mean they're going to have a service area. Are they going to have an indoor showroom at all?

Mr. DeWine – Immediate improvements to the building include garage doors. Several of the existing racquetball courts will remain and be used as separate showrooms to display recreation vehicles. A body shop repair facility will be located in the rear of the building, eliminated the rear mezzanine. Items at that their shop, they have a motor home that's skin all needs to be taken off and new skin applied. It is really something that needs to be done inside. They have room to do that kind of work. Where they are at now, it is a cramped facility. The parking lot to the east of the building will be cleared and graveled. To address security concerns, fencing will need to be constructed around the property. They've been to Planning & Zoning. What they've done is they've bought wall material, we'll call it freeway noise barriers, I don't know where they bought those. They have our permission to install them, they have a permit for that. The frontage along Lakeland Blvd. will be enhanced with landscaping and the graphic that I showed you.

What I'm trying to temper this with is we're going to get there, they are not going to get money until they, as I've said to Mrs. Mancuso, they will need to go back to Architectural Review Board if they deviate from what was presented. What I would do is direct the questions to the man who makes the decision, Mr. Stohlman.

Councilman Gruber – This is a home run for this property because in addition to the payroll and property tax, there will be a large inventory tax, if I'm correct on that. We'll be subject to greater revenues from that, so there's really three sources of revenue here. Could you elaborate on the income tax and the property tax on the inventory tax?

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Director Pietravoia – There was an estimate when the project was originally in the formative stages that they would have an inventory on site of approximately \$750,000. That value will be subject to personal property tax from the State and both the schools and city will benefit from that. I don't have the estimate with me, we did calculations on that when the project first came forward. You're correct, those will generate personal property taxes for the city. They will bring an estimate of 10 new jobs into the community by moving their business from Lake County into the City of Euclid.

Councilman Gruber – Along with the improvements to the property, that increases the property value there for increasing the property taxes on the parcel.

Director Pietravoia – Mr. DeWine indicated over a million dollars worth of investment in the property itself.

Councilman Delaney – It is a very attractive building. I congratulate everybody that has been involved. I think it was about two and a half years ago that I first heard of them going into this project. You do say that the signage is all approved? It will go up as we see it there?

Mr. DeWine – I'm going to defer to the owner.

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

Mr. DeWine – I think it's better that you hear it from him.

Mr. Rick Stohlman – 28920 Chardon Rd., Willoughby Hills, Ohio. The sign will go up that way it's.

Councilman Delaney- It's a good sign. I like the ones that do scroll.

Mr. Stohlman – It will go up just like that.

Councilman Delaney – An attractive addition to the freeway. Certainly an interesting business. I congratulate you and welcome to our community.

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

Councilman Daly 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. (322a-05) Garage Sale Signs - Tabled

An ordinance amending The Building and Housing Code of the Codified Ordinances of the City of Euclid, by the addition of Chapter 1744 to be entitled "Garage Sale" to regulate garage sales in the City of Euclid. (Sponsored by Councilpersons Gruber, Holzheimer Gail, Hufnagle, Langman) (From Building Standards & Housing Code Enforcement Committee with no recommendation for passage)

Councilman Langman moved for passage, Councilman Gruber seconded.

Manager Petkovic – Last Monday we had a committee meeting on this garage sale. We discussed at length what the committee might want to do and might not want to do and also we heard from the public. I would like to answer Mrs. McGinn and Mr. Mihalich about the number of garage sales, perhaps we can compromise and make it three per year. I did state that I liked the ordinance that South Euclid has. I find it short, precise and I would like to adopt that if we can do that. If there's any questions, I'd be happy to answer them.

Councilman Langman – Mr. Petkovic, given the structure of the ordinance before us, I don't believe we touched on it during the committee meeting, but how would street sales or sales that are held that are held at a church parking lot, how would that be regulated under this potential ordinance or

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other current ordinances that we have. A church or a block club wanted to have a street sale as part of their summer activities.

Manager Petkovic – Under the definition 1744.01, it does state rummage sales, estate sales, garage sales, porch sales. I would have to defer to the Law Dept. I don't know if a church would have to come and get a permit for that or a homeowner's association.

Councilman Langman – Law Director Frey, could you comment on that please?

Acting Mayor Frey – I'm looking at the definition section of the proposed ordinance 1744.01A. Garage sale means any temporary private sale held in a residential use district. I would suggest to you that were the church or some organization and obviously a homeowner's group would fit into that definition. It would be a temporary private sale in a residential use district and most of our churches, if I recall, are in residential use districts. I would say that would cover it. If Council wishes to amend any of that language to specifically make those inclusions that certainly can be done either here tonight or if this matter is sent back to committee for consideration of a number of the comments that were made, could be done there as well. If greater clarity and definition was requested or required by Council.

Councilman Langman – Another question Law Director Frey, Mr. Goodman the resident did hand out a list of potential recommendations. Could you explain for the resident and anybody else that is listening our fine structure and who controls what level of fine for a particular type of infraction is set?

Acting Mayor Frey – The legislation here as amended I believe from the Council Committee was to increase the fine to an amount of \$150, which is the maximum fine set in our ordinances for minor misdemeanors. It does not mean that the Court who sets that fine in a particular case must fine \$150. But that's the maximum amount allowed and so when you have an ordinance it provides a fine up to an amount is required. Again, that's not to say that were a citation issued for a violation that the court would impose that fine. But that gives the court the flexibility to fine up to that amount. Of course, I don't believe the ordinance as drafted has an elevated penalty provision to it. It may well be that in the first case, first infraction the court would do something such as order the individual to pay costs and no fine. Then may for subsequent violations raise it up the fine amount. That would give the maximum potential fine for a violation or successive violations under the ordinance.

Councilman Langman – What is our minimum? Do we have a floor for a minor misdemeanor of this type?

Acting Mayor Frey – I can't tell you that. The way our code is drafted the minor misdemeanor provides for a fine up to and I don't believe there's a minimum amount set. If there is, I remiss in not knowing that. I don't believe there is.

Councilman Langman – Perhaps for my colleagues to consider, we may want to, if we don't send this back to Committee, we may want to on the floor insert language that exempts street clubs when they have their annual sales. That is a fairly popular activity for various street clubs. Thank you Mr. Chairman.

Councilwoman Holzheimer Gail – Mr. Petkovic you said that you liked South Euclid's ordinance and you thought that we should consider adopting their ordinance. Did you mean their ordinance or their permit application?

Manager Petkovic – I do like their application and their ordinance. Their ordinance is very specific. It is short and it is just about everything that we have in here. If we go back to committee, we're going to have to, tonight' perhaps, make some amendments to Councilman Langman, to the street associations and churches that they can be exempt from this.

Councilwoman Holzheimer Gail – Are you comfortable with the ordinance? You and through your department will primarily be the ones that will be responsible for enforcing this. Are you comfortable with the ordinance that is in front of us? Or do you believe it needs more work?

Manager Petkovic – Under the proposed 1744.02 under time and frequency, I believe perhaps we could make it three garage sales per year. I do agree with the times, 8:00 AM to 6:00 PM. As I

stated at the Committee Meeting, what we'd like to do is make this a calendar year from January 1 to December 31. Instead of if someone should come in June and go to June. We'd just like to keep it for a calendar year.

Councilwoman Holzheimer Gail – When we brought this forward it was to address an issue of concern that I as a council person and my colleagues as ward council people had received at the end of last summer or last fall. I believe this addresses most of the issues. I'm happy to, I could go along with amending it to three garage sales. I also don't want to be overly burdensome on your department. I want something, to me the important part was to have some teeth that we can when we have situations that have gotten out of control and primarily what I was interested in addressing were the garage sales that were happening on the front lawn and the garage sales that were happening continually. I could live without even having a permit. But from your standpoint there is work involved. We really don't have any way to track the number of sales unless we have a permit. I think a nominal permit is appropriate. I think without a tool, without an ordinance, I could go ask, in cases I have, could you move your garage sale to the back and people just don't, unless I have something that says this is our rules. It is regrettable that we have to legislate an item like this and we have to take the time to do that. I think its an issue that I heard very strongly from people. They didn't want to see start taking over the streets and that's probably an exaggeration, but I did have a number of calls and I did hear from a number of people who were concerned with it.

With that I would like to make the amendment to change it from 4 sales per year to three, which I believe matches quite a few of the other cities that we have looked at. I also do believe we should make an amendment to address the street or neighborhood association sales and church sales, would need one permit.

Councilwoman Holzheimer Gail moved to amend. Councilman Langman seconded.

Councilman Delaney – I would like to ask a question on the motion. As far as a group like the Friends of the Henn, when they have their rummage sale, would they fall into the exemption of Street Associations?

Acting Mayor Frey – I don't know that Henn would fall under this ordinance at all. It is not in a residential district. It is in a Park district. I'm not sure it would fall under that residential use district. So, in drafting legislation as narrowly construed against the drafter, in this case the city, I would suspect that it would not cover that at all. It would not be covered at all in this legislation. There's another example of something that we may want to specifically include or specifically exclude so that there is no question about the coverage. Either it is going to be covered or no it is not going to be covered in this piece of legislation.

Councilman Delaney- The church also has its own zoning and so we would need to be specific with that.

Acting Mayor Frey – I think the better course, if we were going to include or exclude any of those three mentioned areas, Henn or we could include any non-profit building within the city. It could be Henn it could be Central Middle School, or Our Lady of Lourdes Shrine, any of the non-profits. If you want to exclude those from coverage of the ordinance, we need to just say that. Fraternal organizations, charitable organizations, we could exclude. If we're going to exclude homeowner's associations or neighborhood associations, then we need to probably say that specifically in here.

Councilman Delaney- That's a lot of adjusting. I don't particularly want to see this go back to Committee, but would the Council be interested in tabling it to the next meeting, working out some of these issues? I was more inclined to see it stay in Committee to work these things out, but I don't see how we should spend to much time on garage sales. Also, I think that the punitive amount, whether it is not to exceed \$150, just seeing \$150 I think that is excessive. I would vote through the amendment, but I would also like to table this legislation if anyone else is interested.

Councilwoman Mancuso – I'll second that.

President Sustarsic – We have two motions on the floor. For the amendments, I think we should act on those first. Are there any other comments on the amendments that were proposed?

Councilwoman Holzheimer Gail- To clarify the amendment. We lumped in a couple and then we changed them. I don't know if I would need to formally withdraw them, but why don't we look at the amendments one at a time so we can address them.

The first one, do I need to formally withdraw?

Acting Mayor Frey – If we could follow Councilwoman’s request and specifically identify what section of the proposed ordinance we want to amend and how we want to amend it, it would make it much easier for the drafter to follow up with this.

Councilwoman Holzheimer Gail – In Section 1744.02, subsection B, frequency a resident or single address shall be limited to 4 garage sales per year. I would like to make the amendment that should be three per calendar year.

Councilwoman Holzheimer Gail moved to amend as stated above. Councilman Langman seconded.

President Sustarsic – Calendar, would it be necessary to include maybe in parenthesis, January 1st through December 31st?

Acting Mayor Frey – We certainly could do that.

Vote on the Amendment:

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

Amendment Passes.

Councilwoman Holzheimer Gail – Under Section 1744.01, permit requirements. I would like to add a sub-section E, that would exclude non-profits, schools, religious institutions and neighborhood or street associations from the permit requirement.

Acting Mayor Frey – If I could please again, exclude schools, non-profits

Councilwoman Holzheimer Gail – religious institutions and neighborhood or street associations.

Acting Mayor Frey – Okay thank you.

Councilwoman Mancuso seconded the amendment.

Vote on the amendment.

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

Amendment Passes.

President Sustarsic – All right. Now next item of business, Mr. Sustarsic, you had a comment you said regarding legislation.

Councilman Sustarsic – I just had, personally, I just have a problem with the whole permit process, I mean, it seems like a large administrative task, I mean, I’m just concerned about that. And I think, you know, what we learned in the committee meeting was that this was pretty much as a complaint issue. Where you receive a complaint, there was really nothing we could do because we didn’t have any legislation to back it up. I mean, what if we just have legislation without the permits, I mean, where you know, we get complaints. We keep an eye on things. I mean, would that be able to work? I mean, do you understand what I’m getting at here? I mean, I know you get the permits so you can keep tabs on it. If we handle it as a complaint basis, where if a neighbor has a complaint, we monitor the situation and if it gets out of hand, we have legislation here to back us up.

Manager Petkovic – As I stated at the committee meeting, first of all, I don’t think that the Housing Department or Building Department is going to be inundated with a lot of complaints. What has happened in the past is last year, as Councilwoman Holzheimer Gail has stated, was when she received calls and when the Housing Department or Building Department received complaints, we had no legislation, okay? We do have a computer program called ICES in the Housing Department that we can track this and perhaps, well, I think 1744.01c is going to mandate that every time a garage sale is asked for, it will be a \$5 permit. But I don’t think that we’re going to be, I don’t think there’s going to be 10 or 30 people at the counter at given time because garage sales are held sporadically. But we do have to have something to tell the complainant when that person calls. Yes, we can do something about it or no, we can’t. And if we have this, we can go out then and

education, we can go out to their homes, educate them. Tell them to come on in to the Building Department, get your permit so we can do this legally.

Councilman Sustarsic – I mean, I understand. It's a shame, you know, I think the majority of the homeowners in our community are responsible and it's a shame because of the actions of a few are going to have an effect on everybody. I just, I just had a problem with it. That's all.

Councilwoman Hufnagle – I would just like to bring up one point for consideration and maybe clarification. Looking at 1744.01, Section D, where it says the permit shall be valid for a period of 6 months from the date of issuance and must be prominently displayed on the premises and then looking at 1744.02 where it says, where we've limited it to 3 sales per year. Now my question being, if we're issuing a permit for 6 months, (a) are we listing on that permit the exact date of the sales and if we're not, then how are we going to regulate that they only have 3 sales per year? And as Mr. Petkovic pointed out, he was pleased with the South Euclid ordinance. It specifically says in there that you have, that your permit is good for your specified dates and you're only limited and you're only allowed 3 permits per year. So my questioning then, do we want to change the wording of those two sections? Do we want to limit it to a specified date or is that the wording we want? Because I'm not sure that we're going to be able, you're going to get a neighbor calling up going, you know, this guy's had a garage sale 4 times this month. And how are we going to know that if we just issued him a 6-month permit? So that's my question that's where I would like clarification and that's an area I think we need to deal with.

Manager Petkovic – Perhaps we could change that and amend that also to read the permit shall be valid for the period from the date of issuance and leave the 6 months out. The permit shall be valid for the period from the date of issuance.

Director Pietravoia – If I, I'm sorry, Councilwoman. I just wanted to comment. I think any time you pass an ordinance like this you have to put in place administrative procedures to make it work. Ron Petkovic and I had discussed that we, when we issued a permit, we would ask the homeowner to specify the 3 days that they intend to have the sale. If for some reason, the way I read this initially, if for some reason the sale got delayed or didn't occur that permit would still be valid for a period of 6 months; but they'd have to let us know if they switched the dates what the 3 new dates would be. So there will be a little bit of a learning curve even on our end. We'll have to put in place administrative procedures to make sure we have a way of tracking what those 3 days are in case we do get a complaint.

Councilwoman Hufnagle – I'm comfortable with it as long as you put in a process for tracking that like you said. You know, I would be even agreeable to Councilman Delaney had suggested in the meeting that, you know, maybe the first permit's free and they pay for the second 2. It's not that I'm trying to, you know, squeeze 15 bucks out of people; but I think that we need to put in guidelines so we know exactly when the sales are or the ordinance isn't going to serve its purpose.

President Sustarsic – Any other questions or comments? What's the pleasure of Council?

Councilman Sustarsic – I, I, I prefer to second Mr. Delaney's. I would like to table it. I'm not comfortable right now voting for this myself.

President Sustarsic – All right, call the roll.

Councilman Delaney moved to table the legislation; seconded by Councilman Sustarsic.

Roll Call: Yeas: Daly, Delaney, Gruber, Hufnagle, T. Sustarsic, J. Sustarsic

Nay: Holzheimer Gail, Langman, Mancuso

Legislation tabled.

Council President Sustarsic left Council Chambers and Councilwoman Holzheimer Gail was President Pro Tem.

Ord. 61-2005 (339-05) CT Consultants Contract

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with CT Consultants, Inc. to prepare a Long Term Controls Plan, as required by the Ohio Environmental Protection Agency, at a cost not to exceed \$1120,000.00. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Gruber moved for passage; seconded by Councilman Delaney.

Director Gulich – Since the late 1990s the City of Euclid has been in 100% compliance with NPDES permit and that stands for National Pollution Discharge Elimination System permit. As part of the 2004 permit requirements, we will be required to come up with a Long Term Controls Plan that we will need to submit to them for approval in order to continue to operate amongst many other things in compliance with our permit. In the 1980s the same firm, CT did a SCO and SSES study, that's a combined sewer overflow study. They did a sanitary sewer evaluation survey report, that's the SSES. They did the computer modeling. We're not re-inventing the wheel here. CT has pretty much done a large part of the work. We're anticipating that we will have to do an update of this model to come up with compliance. This is a requirement of our permit. CT will do flow monitoring. They will investigate the existing overflows that remain in the system. When we came into compliance in 1990's we addressed many of the overflows through modification and elimination. They still exist in the system, we know about them. We check them ourselves. The Ohio EPA is requiring us to come up with a long term control plan for us to submit to them in order to maintain our compliance. We did discuss this to some extent at a recent Committee Meeting. I intend on having any work that would be required in this plan to dove-tail with any waterline improvements that we may need to do. It is very important that we look at these two plans together. I hope soon to bring that back to Council after everyone's had a chance to digest that. Again, Bob Gall, our Waste Water Treatment Superintendent is in the audience. Craig Juday from CT Consultants is in the audience. If there are any questions on this long term control plan, either one of these gentlemen would be glad to answer them, or myself.

Councilman Langman – What was the process on settling upon CT to provide this service? Did we bid it out? Or because they're current engineers did it make sense just to work with them?

Director Gulich – Very simple, Councilman Langman, as I said, the computer model exists. One of the requirements of this is to have an updated computer model. They've done it. I'm confident the model they have will be sufficient and we will not have to do any additional computer work. Again, CT designed all the initial work we did with the mandate we had in the 1980's and 1990's. They are very familiar with our system. They are very familiar with the workings of the plant at the Waste Water system. Any other consultant would have to start from scratch with this computer modeling. They would have to come up to speed. CT, we've already invented the wheel on this.

Councilman Langman – Just to clarify, just as a supposition we went with another firm, they would have to redo all the prior modeling and additional modeling?

Director Gulich – Yes.

Councilman Langman – So that's proprietary information for CT, not the City of Euclid?

Director Gulich – Yes.

Councilman Langman – Okay. Thank you.

Councilman T. Sustarsic – I've got a question for Mr. Frey. There was a question in the audience tonight. I voted on numerous legislation pieces over the past year and a half with CT Consultants. Is there a conflict of interest?

Acting Mayor Frey – Mr. Sustarsic, there would not be a conflict of interest so long as the employee, in this case Council President Jerry Sustarsic, does not participate in the deliberation of that piece. Your role as a council person, you have no financial interest. Your relationship to the Council President is apparent and known to the members of the public, so you are not dealing with in any way with a personal interest in the contract if the city were to award it to CT Consultants. So I do not believe that you are precluded from acting as a member of Council on this legislation.

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

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

Ord. 62-2005 (323a-05) Ads in Parks

An emergency ordinance authorizing the Director of Parks and Recreation of the City of Euclid to seek proposals, and enter into agreements, for advertising sponsorships to be located at City-owned Parks and Recreation properties. (Sponsored by Councilman Daly by request of Parks & Recreation Director) (Recommended for passage by the Recreation Committee)

Councilman Daly moved for passage, Councilman Gruber seconded.

Director Will – Two weeks ago there was legislation in front of you regarding the authorization to allow the Parks & Recreation Director to negotiate and enter into contracts regarding sponsorships in the parks. The legislation was put into Committee and last Wednesday we had the ability to sit down and discuss some of the concerns that various council people had. One item that I had requested was, again for the Parks & Recreation Director to be able to negotiate and enter into contracts for different sponsorship and advertising in the parks such as banners and matting at the pools. City Council had some concerns. We did discuss the fact that Parks & Recreation Director will get the authorization and guidelines through the Recreation Commission and also assistance from the Law Director in any of the contracts that we do have.

The guidelines that City Council put forth in the committee meeting, were the contracts that the Director enters into cannot be longer than a year. Any contract that would be negotiated that would exceed \$2,000 would have to be brought to City Council. The final piece of discussion was this ordinance would expire February 1, 2006.

Again, I assured the City Council that I will work with the companies and go through our Rec Commission to make sure that any of the banners, there are not too many of them, that they are appropriate and they will be placed up at the poles and at the different playground facilities, at the baseball fields and also the score huts throughout the park here in Memorial Park.

I'd answer any questions and I'd appreciate your support and discussions. I will work with you for the next couple of months and inform you, as far as what is happening and in February, then it will be decisions on the Parks & Recreation Director on which way we want to go at that time.

Councilman Gruber – Director Will, you mentioned there will be banners at some of the pools?

Director Will – Yes, that is my intention to have the banners, as I explained in the Committee Meeting, we have been approached by the company representing Clorox and it would be my intention to put the banners up in the locker rooms. I'm not looking to put the banners on the fencing so that you can't see in or out of, there are safety issues.

Councilwoman Holzheimer Gail – Director Will, one thing that I just wanted to that has been puzzling me or troubling me a little bit is we're limiting it to \$2,000 but we're also allowing you to have a contract up to a year. If somebody wanted to place a banner up to a year, do you think \$2,000 is an appropriate amount of money? I know it depends greatly on what the sponsorship material would be. Do you think the \$2,000 threshold is too low?

Director Will – I do believe that is too low and at that time I would come to City Council with my intentions of collecting more than the \$2,000. Again, I had given the word to Council, anything that would be above that, I would bring to you for your blessing on that. Yes, I do think it is too low, but again, I will come to City Council if that happens and I hope it does.

Councilwoman Holzheimer Gail – I hope it does too and I guess to give you the ability to go out for more, I'm wondering whether Council would agree to maybe going up to \$5,000 on that. Would that be a more appropriate number? I don't know what you get for, do you have any idea, or have we done sponsorships for up to a year in the past?

Director Will – Currently as it stands now, the majority of the sponsorships that are in place are very limited to the baseball advertising on the banners on Diamond #3, it's a strict season. Right now I'm looking for season-wise. For the pools it will be a season. For the playgrounds it would be during April through September months. The limitations that are in this piece of legislation I believe are workable. I believe I could come to City Council with that problem of getting more than \$2,000 for a year's sponsorship.

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Councilwoman Holzheimer Gail – We did discuss that this is a trial and we would look at it next year. I'm happy with this.

Councilman T. Sustarsic- I would just like to wish Director Will good luck in trying to make us some money.

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

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

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

Passed.

Ord. 63-2005 (342-05) Annual Appropriation

An emergency ordinance amending Ord. No. 229-2004, which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2005. (Sponsored by Mayor Cervenik and entire Council by request of Finance Director)

Councilman Daly moved for passage, Councilwoman Mancuso seconded.

Director Johnson – This is the first amendment for 2005 to our 2005 budget. There was a sheet that was attached to the draft of the ordinance that lists the funds and the areas and reasons for change. A majority of the items that are on this list are items that have been discussed at least by the Mayor since the first of the year. So there should not be a lot of surprises. All of the funds come from existing fund balance in these funds with the exception of the amendment to the Self-Insurance Fund, which the source of funds would be the increase in the transfer for the general fund. If there are any questions, I'd be happy to answer them.

Councilman Delaney –I see here we have update Zoning Code of \$40,000. It is underneath the line item for CT Consultants. I'm assuming that CT Consultants is going to be hired to do that?

Director Johnson – No, the vendor has not been, I don't believe selected. Mr. Pietravoia is going to be handling that. As another item, that particular, the update of the zoning code, and any other expenditures that would exceed \$15,000 would have to be brought in front of Council again and I believe that this particular vendor, once the vendor is selected, the legislation approving the expenditure for that vendor would be brought in front of Council. This merely sets the appropriation in place, but this does not designate a vendor, no sir.

Councilman Delaney – I would hope that we would have a committee meeting just on that topic. Considering the controversies we have of zoning, the amount of money that it is and to see different vendors maybe present. I think that would be helpful to the community as a whole.

Acting Mayor Frey – The \$40,000 is merely an application under the general category of Planning & Zoning. The line item above that relates to an entirely different matter involving CT Consultants. There have not been requests for proposals made or submitted yet on the zoning code until such time as there is a budget amendment that allows us to go out and do that. At that point in time we will then put together a request for proposal submit it to a number of firms locally and in this region that deal with zoning code so we can get a wide perspective of proposals that we can then bring back to Council for ultimate approval. We're no where near that point yet.

Councilman Gruber – Director Frey, under the transfer to self-insurance fund, we have a \$35,000 charge and at the bottom under self-insurance outside legal fees, \$35,000. Is this the same \$35,000, or is there a total of \$70,000?

Acting Mayor Frey – It is the same. It is coming out of general fund and being transferred to the self-insurance fund.

Councilman Gruber – Director Gulich, hire six full time employees in the Streets Dept. That's good news for most of our residents. Is this to replace some retirees? Or is this going to be new hires or replace some of the fellows that were laid off?

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Director Gulich – Going back a couple of years ago, remember we did lay off 19 Service Dept. employees. We have actually reduced our number further since then through people leaving the city through retirement and other means. Last year we hired seasonal workers. We look to do that again this year. Actually the people we did hire performed well. We asked them to remain on. Some of them are people that were laid off and some of them were new acquisitions. We plan on filling a last spot, we've filled 5 out of the 6 spots.

Councilman Gruber – I'm glad to see that because these are the folks that provide the services to our residents. Very good, thank you.

Director Gulich – More people would be better, but I'll be happy with this, thank you.

Councilwoman Holzheimer Gail – Director Johnson, we're adding \$188,000 in expense to the General Fund. Do you have an update of where we are in terms of our revenue? Do we have enough projected revenue to cover this?

Director Johnson – I will present at the end of, this month has just closed. As soon as we close the month of April, we'll be sending out to Council the updated performance report that we sent last month along with the income tax report. This particular amendment would actually be coming from existing fund balance. This will be coming from the \$1.3 million that was left over from prior year. That's the consideration. The short of it is that our income tax is still running slightly ahead of projection and our actual collections over last year is substantially ahead. I don't have those figures in front of me, but I will be sending those out here shortly, as soon as we close the month.

Councilman Daly – The 2 part-time receptionist that we're hiring in the Mayor's Office, is that for the lobby out front?

Director Johnson – For the last two years, we've participated in a program, I believe it is called a Senior Referral Service Program. The problem that we've had is its very difficult to be able to keep people on a fairly stable basis. We've had several people come and go. The program does have a built-in expiration of a year. We've had difficulty even keeping some of the people for the entire year because the whole idea of this program is that this gets them back into the work force. They are obligated as part of participating in this program to also be looking for gainful employment. While it has saved us money in terms of not having to staff that, it has provided some difficulties in being able to continually keep that staffed. The Mayor has said over and over that it is very important, he feels answering that first phone call, goes a long way towards solving a lot of the problems of irate citizens when they call. If we are not able to direct those calls properly, it makes it even more difficult by the time they get to the end user that they need to be talking to.

Councilwoman Holzheimer Gail – Under the Euclid Endowment, additional amounts for property taxes, could you explain that please?

Director Johnson – As you know, some years ago we had properties that we still own, that we were paying property taxes on. All of those properties, we applied for exemptions on the property. Some of the properties, the exemptions are denied because the properties are being held for redevelopment purposes. If the properties are being held for recreational or other public purposes, they do qualify for exemption. But because there are some properties that are being held for redevelopment, they don't qualify for exemption. Until we sell the property, we are obligated to pay the property taxes. There are some of the properties on that list that we still are hopeful will be eventually exempted. The problem is that there are some that are a year or more old. Our applications are a year or more old waiting for the Ohio Department of Taxation to respond to our request. In the meantime, the property taxes must be paid because if they are not, that guarantees that the exemption won't be granted.

A short break was taken.

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

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

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

Sustarsic, Sustarsic.

Passed.

Res. 64-2005 (344-05) Recall Election Date

A Resolution directing the Cuyahoga County Board of Elections to submit the question "Shall Bill Cervenik be allowed to continue as Mayor of the City of Euclid?" to the electors of the City at a Special Election to be held on July 12, 2005. (Sponsored by Council President Sustarsic)

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

Acting Mayor Frey – The Resolution that was drafted here is required by the Charter of the City of Euclid. The language comes directly from the Charter, the Charter itself specifies the language that must be used. The date which is in this Resolutions represents the 75th day following the notice given to Mayor Cervenik, that sufficient signatures and the petition was otherwise deemed by the Clerk of Council to be sufficient. Therefore the 12th of July, 2005 would be the 75th day for that. There's no debate or discussion to the language. The Charter specifies it. Council's authority is to set a date within 60 days, no sooner than 60 days, but no more than 75 days from the date the notice was given. July 12th represents that date. I'm recommending that date be the date used as it gives the office holder the maximum opportunity to state his case why he should be retained in office.

President Sustarsic – There were a few comments made relative to conflict of interest on my part.

Acting Mayor Frey – If I may relative to that point, the Charter also specifies the succession to the position of Mayor should a vacancy be declared. Temporarily the Director of Law fills the position until such time as in first instance the Council President decides whether he will accept the position. If Council President chooses not to accept the position, Council must select a member from Council to fill the vacancy.

The Charter specifies the terms of succession to the position of Mayor. There's nothing about this that really is discretionary on the part of Council President or any member of council, but for the date of the special election. The same language, the same form would exist if this was any other date than July 12th.

Councilwoman Mancuso – Director Frey, did you make this decision yourself, or did you use your outside counsel to do this?

Acting Mayor Frey- Councilwoman, I drafted this Resolution to get this on the agenda this evening.

Councilwoman Mancuso – So you had no outside counsel to assist you?

Acting Mayor Frey – Not in drafting this resolution, no ma'am.

Councilwoman Mancuso – So you picked the date?

Acting Mayor Frey – Yes, I drafted the resolution, I'm recommending July 12 because it is the 75th day and the last day provided under the Charter.

Councilwoman Mancuso – Thank you. I guess knowing what the recall process has done to us to this point, and to the city to this point, I guess I would ask that we move it up as close to the 60th day as we can. This city is definitely not focused on business as usual and will not be focused on business as usual until this process is completed. I would ask that we look at amending this to the 60th day, so that we can move onto the business of this city in a productive manner. Thank you.

Councilman Daly – Revolving around which day we should pick, people are used to voting on Tuesday. There are three possible Tuesday that fall into this time frame: June 28th, July 5th and July 12th. People are used to votes occurring earlier in the month. I don't believe that June 28th, the last Tuesday of the month would be an appropriate day. I also, due to the July 4th holiday, do not believe that it would be fair to the office holder if we were to hold a special election on that day. That leaves July 12th. It also is the date that gives the office holder the maximum amount of time to address a number of these charges that have been leveled against him going on for about 5 months.

So, I remember back in February, the initial deadline for the petitions, I was not sure I was going to go ahead and vote for the 60 day mark for the May 3rd ballot because I was concerned here we were restricting the office holder to the bare minimum amount of time to campaign. But in the

interest of saving the taxpayers the expense of the recall, I would have gone along with that. But now that that deadline has been missed, there is no rush, no reason why we should be cutting the office holder short. I believe and I will support the Tuesday, July 12th date that is on this legislation.

In regards to the recall, I will save some of my comments for the next piece of legislation, but I have met with Mr. Conway, the resident who is bringing the recall forward. We've discussed a number of issues that are part of it. We met at Recall Hall in January. I approached him about the idea of coming before this body, as we did with the Hillandale issue, giving the public the maximum amount of information, unfiltered, so that they could make their decision. This is the first recall in over 70 years and the lifetime of pretty much everyone in this room. It is subject as important as the Hillandale rezoning issue. As I discussed with Mr. Conway, the Mayor's reputation is on the line. This is something that is rarely done if ever. It is something that I think he deserves every opportunity to defend himself.

I am disappointed and I did meet with John today, we talked for over an hour on what exactly I wanted to go over. I didn't want him to be surprised that we were going to discuss this. We had talked back in January that we might be doing this. Unfortunately he doesn't feel comfortable in this setting tonight. Hopefully, maybe we can do something later. I don't know with the clock ticking towards election day, I was hoping that we could do it tonight. So that the people could hear from him why this recall is going forward.

On their website and one of the items I wanted to go over with him is he does have and has announced why the recall. He says the recall basically comes down to two simple questions. Is Euclid better off today

Councilman Langman – Mr. Chairman, point of order. I respect my colleague's desire to express his opinions about the recall, I think at the moment if we could sort of focus on the date and then my colleague, I would love to hear what he has to say about his thoughts on the recall process. But I'm afraid if we go down this path, it is going to take a very long time to settle this and we'll do the same thing over again on the Resolution. I would ask that we focus on the matter at hand, which is setting the date.

Councilwoman Mancuso – I concur. This legislative body is not here to condone or oppose a candidate's rights to a special election. We are here to set a date and the recall process needs to move on, move forward. I'm not here to either lengthen or shorten it. I make a motion that we go for June 28th, so we can move this city forward. That's a motion please.

Councilman Delaney – I second that. I disagree with my colleague about voting trends on Tuesday. There have been 5 months since people took to the streets and started circulating petitions. I've never seen the community so divided, at odds, family members, lifelong friends, neighbors.

Councilman Daly – Point of Order, if we're just going to restrict it to the date.

Councilman Delaney- I'm discussing the date.

President Sustarsic – The point is well taken to just particularly keep it to the selection of the date.

Councilman Delaney- You had mentioned your reasoning for going with the date.

President Sustarsic – Right, and there was a point of order called. So I think what we can do now

Councilman Delaney – as he went into another

President Sustarsic – is proceed with the dates in particular. The motion has been made on the floor, is there anything relative to that in particular. Councilwoman Holzheimer Gail we haven't heard from you.

Councilwoman Holzheimer Gail – I have a question regarding time frame to the Law Director. Does the city have any obligation to notify the residents of a special election?

Acting Mayor Frey – I don't believe that we have a duty to publish in a paper of general circulation as we do in some of the zoning matters. But there will be obviously notice given through the community channel and the posting of the legislative results as far as what date. What I will need to do is send a letter to the Director of the Board of Elections, indicating, with a copy of the Resolution, indicating what date Council has determined for the election. At that point the Board will take over the process, if you will, preparing the ballots and establishing voting locations.

I can say to you that in my conversations with members of the Board of Elections that the usual voting places may or may not be available on this date. They will attempt to use every voting location as it is currently used in the city, but some places may not be available on that particular date, in which case they will either consolidate precincts into existing locations, or have to find alternate locations, at which point, then they would have to give notice to the voters of the change in locations for that particular election.

The best case scenario is the existing voting locations would all be available and be used. But they have to start to contact, once they are notified by the city, they would have to contact those voting location buildings to determine the availability for a special election.

Councilman Langman – First of all Director Frey, I'm glad that in a way you stepped up and did this after last week I expressed my confidence in you being impartial in these matters. I'm glad to see that you didn't resort to outside counsel on this.

I would like to ask a question and it is by no means any disrespect to the Sustarsic family. But it seems like there is a direct benefit by succession for the Council President and in some ways his son to consider this matter here. What is your basis by saying or indicating that it is not a conflict for them to engage in this debate?

Acting Mayor Frey – The issue that is in this piece of legislation is selecting a date for a special election. The results of the special election will determine whether there is a vacancy. Until the determination of a vacancy, Mr. Sustarsic as Council President has no stake in this legislation, other than setting a date. Again, the exact same piece of legislation would be set if the date was June 28th, July 5th or July 4th, any other day between day 60 and day 75. It has absolutely nothing to do with his role as the Council President or successor other than today to set the date. Therefore because he cannot personally benefit from whatever date is set, there's no conflict in him acting in his role. Councilmember Tony Sustarsic again is similarly situated. All he can do tonight is vote on a date that is going to be set. There's no benefit until such time as a vacancy would be declared that would in some way benefit the Council President. That's the basis for that determination.

Councilman Langman – Is there anything in Ohio Revised Code that buttresses your explanation?

Acting Mayor Frey – I'm not aware of anything in the Ohio Revised Code that would speak to this issue. There's exceptionally little case law in the area of recall elections. They are few and far between. I don't see anything in any way under our Charter, under our Codified Ordinances, or the Ohio Revised Code that would disqualify these two members of Council for participating in selecting a date on which the election should be held.

Councilman Langman – My comment on the actual date, Mr. Chairman, is I've heard up here many times of the process is wrenching the community, rendering the community apart, hurting the community and I would agree it is a messy process. There's no question. I think the earlier date makes more sense to the community. I've heard a lot about we need to give the office holder the opportunity. I think the community needs to get this, up or down, behind it as soon as possible. It may not be a huge difference, but I believe that earlier in June is better than later. That way its done before the 4th and the city can move on.

President Sustarsic – We have a motion on the floor to amend. Is there anyone else to address that? Mr. Gruber.

Councilman Gruber – Yes, to get it over with would be convenient. The group getting signatures would have got on enough to be on the May 3rd, they wouldn't be inconveniencing the city for about \$35,000. This is a very serious matter. Once you're recalled you can never hold public office again. The group trying to recall the Mayor had months to get the signatures. Some had the audacity to go out on Easter Sunday and knock on doors. I got many calls. Their inability to collect the proper number of signatures in a reasonable amount of time, I support giving the Mayor the maximum amount of time, which would be the date in this ordinance. Thank you.

Councilwoman Hufnagle – Law Director Frey, the Charter requires the Council to set the date for the election, correct?

Acting Mayor Frey – That's correct.

Councilwoman Hufnagle – The Charter also outlines that that election takes place between 60 and 75 days, correct?

Acting Mayor Frey – No sooner than 60 days, no later than 75 days.

Councilwoman Hufnagle – So if the intent was and the Charter also outlines the process for who takes the place of the Mayor if the office becomes vacant, correct?

Acting Mayor Frey – That's correct.

Councilwoman Hufnagle – The first person would be the Council President, correct?

Acting Mayor Frey – On a permanent basis, that would be correct.

Councilwoman Hufnagle – So the Charter could have said that when Council was required to set the date, that the Council President must abstain, correct?

Acting Mayor Frey – That's correct.

Councilwoman Hufnagle – But it did not?

Acting Mayor Frey – It did not.

Councilwoman Hufnagle – Thank you.

Councilman T. Sustarsic – I just feel the later date. Giving the Mayor plenty of time, he needs the time to get up there. It is important for the community to get educated. This is all new. Like we've heard, it hasn't been done in 70 years. It is important for the people to know the facts and not just one side of the story. They need to hear both sides and make a decision for themselves. Thank you.

Councilman Daly – Mr. Law Director, is the Council President required to take this spot of Mayor?

Acting Mayor Frey – The Council President is not required to do so Mr. Daly. If the Council President, I believe has 10 days to decide once a vacancy is declared whether or not he will accept the position. If he chooses not to accept the position as Mayor, he forfeits no rights as Council President. He will remain as Council President and then the 9 members of Council would select one of their members to serve the balance of that term.

Councilwoman Holzheimer Gail – I think the issue that many people are dancing around here is the timeframe and the succession factor that if we have it earlier, not the succession but whether there would then, if there is a recall, if there would be then a special election in November. Director Frey could you go through that timeframe? As I read in the paper it indicated that it would be almost impossible even with the early date to have a special election for the Mayor in November.

Acting Mayor Frey – Councilwoman Holzheimer Gail, the Charter says that should a vacancy be declared in the office of Mayor more than 120 days before the next succeeding municipal election, the balance of that term will be up for election in that next municipal election. To try to put that in plain language, if the vacancy was declared by way of a recall election in this case, more than 120 days prior to November 8th, the balance, the remaining amount of that term would be on the ballot November 8, 2005 to complete the balance of the term which ends on November 30, 2007.

The issue is when does the 120 day period begin and it begins when there is a vacancy. The vacancy occurs only after the Board of Elections certifies the election results. Election results cannot be certified, the process to certify election results cannot occur sooner than 10 days after the election. You have to take the calendar out and work backwards from that. I don't know whether an election that was held on June 27th would be certified more than 120 days prior to the November 8th date or not. I don't know that. I don't know how quickly the Board of Elections would complete the canvassing. I don't know how quickly the Board of Elections would meet to certify the results or if they would otherwise create a mechanism to provide for that certification to other non-board members employees in the Board of Elections. I don't know that. I can't answer whether or not a June 28th date would or 27th would be sufficient to cause the balance of the term to be subject to an election. I don't know at what point the clock would stop where we could safely say it would not be subject to a vote in November of 2008 for the balance of the term. This recall process indicated it was a process to hold the Mayor to answer various charges that were contained in the recall petitions. The issue of succession is a matter that is separate and distinct it seems to me

from the issue of whether Mayor Bill Cervenik should be allowed to remain to complete the balance of his term.

Councilwoman Holzheimer Gail – I think the important thing to recognize and to note is that this is a pretty new thing to the community. People are not familiar with this type of election. Anyone who has worked with the Board of Elections knows that things take time there. I'm nervous that if we limit it to 60 days and they do end up having to change polling locations, that always creates some uncertainty in people's minds. Because of the gravity of the charges and the impact of that and because of I believe the public has every right to know what's going on and have sufficient time for both us to educate people about when to vote and where to vote, that I think the July 12th date is the better one.

President Sustarsic – Motion is on the floor. Amendment made by Mancuso and seconded by Delaney to amend the date from July 12th to June 28th. Call the Roll on the Amendment:

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

President Sustarsic – Is there any other discussion on the Resolution?

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

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

Res. 65-2005 (345-05)

A resolution in support of Mayor Bill Cervenik. (Sponsored by Councilpersons Daly and Hufnagle)

Councilman Daly moved for passage, Councilwoman Hufnagle seconded.

Councilman Daly – Again this Resolution, I did review today with Mr. Conway and he did indicate to me that there were no legal or ethical charges being leveled against the Mayor at this time. The only charges were those that are accounted in the recall petition. We've reviewed the points made in this Resolution. I think that given the type of press coverage that has been put out there, that we needed to point to some of the facts that have occurred in the last 17 months.

I told Mr. Conway I would try to summarize some of the things that we did discuss today and then later on in our meeting if he felt something was mis-characterized he would address that. The main point being that after reviewing some additional information we felt that Count 2 was not factual. He might even come up here and clarify Count 2, as far as the \$2 million causing the bond rating to drop and putting us in a fiscal emergency based on some of the information that we reviewed this morning.

Councilman Langman – Law Director Frey, can you outline the City Council's role in making judgments in any recall process for the Mayor any other city official, or any other council member that might be going through this process in the future?

Acting Mayor Frey – There is nothing in the Charter or the ordinances that would approve or otherwise speak to Council's role in the recall process. This is an issue that faces the city. It is an issue based matter. Council has taken to supporting or opposing other issues that face the city, such as the city schools recently and the city library levies and various other matters that provide resolution. I don't believe there's anything that prohibits City Council from acting on a resolution of this type any more than it does a resolution to support as I said the school levy or library levy. It is an issue.

Councilman Langman – Mr. Frey, may I just interrupt you. Forgive the interruption, but those are issues, this is for an individual. So can you come back say in the fall and I can put on a resolution supporting my colleague Councilman Delaney, would that be out of line after the precedent has been set here?

Acting Mayor Frey- Let me distinguish your example if you will please. The matter of a candidate for an office is vastly different than the issue of whether an office holder should remain in office. It

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is an issue in this case, not a candidate race. The campaign finance rules are different because it is an issue. I believe that Council can act as it does on other issues. Were you to propose a resolution for instance in August or September supporting Councilman "X" for re-election, that's a candidate. He or she would be a candidate for the office. I think that's vastly different than an issue as to whether or not a current office holder should remain in office. Again, the campaign finance laws treat them as distinctly different type of matters as well.

Councilman Langman – Can you provide me the citations of those laws that treat this type of election different than a regular municipal election?

Acting Mayor Frey – Yes sir.

Councilman Langman – Okay, very good. But, your point that you seem to buttress is that the Council formally has no role in judging whether the Mayor should stay or go or anybody that would be recalled, is that correct?

Acting Mayor Frey – I didn't understand your question, I apologize.

Councilman Langman – The council formally is not sitting in judgment of the Mayor. He's not being impeached like we understand at a federal level, is that correct?

Acting Mayor Frey – His continuation in office is not subject to the determination of City Council, that is correct.

Councilman Langman – While I respect each individual members of the Council to express their opinion supporting the Mayor or speaking against the Mayor, I don't think as a Council it is our role to vote on a Resolution since we have really no say so. We have completed our duties by setting the election date. The City Council no role in this process from here on out. Now, is that your understanding?

Acting Mayor Frey – I would agree that City Council does not act to either continue the Mayor in office or remove the Mayor. This Resolution doesn't seem to want to do that other than it's a Resolution as it says on the Agenda, in support of Mayor Bill Cervenik. Council is free to approve the Resolution, any member of council to abstain from voting on the Resolution or to vote no in opposition. It has no force of law in the sense that it compels some result on July 12th.

Councilman Langman – Thank you. My point in short is that this Resolution has no business on the agenda this evening.

Councilwoman Hufnagle – Law Director Frey, at this time the Mayor is not running for Mayor, correct?

Acting Mayor Frey – This issue that faces the voters of the City of Euclid is whether Mayor Bill Cervenik should remain in office.

Councilwoman Hufnagle – So it is an issue, it is not a candidacy, it is an issue.

Acting Mayor Frey – That's correct.

Councilwoman Hufnagle – I think the Council, as well as the public has been told all along since the recall effort started by Mr. Conway that this is not about who will be the next Mayor. That this is about holding Mayor Bill Cervenik accountable for what he has done in office. This Resolution is designed only to clear up facts that have been put out into the public that are inaccurate. I think that Councilman Delaney brought up a good point with Count 2. Him and Mr. Conway today agreed that it is not factual. That Mayor Bill Cervenik is not responsible for the lowering of the bond rating. I would be happy to make a motion at this time to waive the rules and allow Mr. Conway to address this body if he so wished. As far as this Resolution goes, it is important that the facts be given and the facts are accurate. If the recall was based on inaccuracies and the citizens that signed the petition trusted that the facts that were stated on that petition were accurate and now he is recanting and saying that Count 2 is not factual, I think that seriously questions the rest of the Counts. This Resolution based on a issues election in July, on July 12th, is only in support of that issue. Giving the correct information to the public.

Councilman Gruber – I think we're getting a little too heavy into all of this. This resolution here is similar to the one that the hockey team got tonight. This is just as any other person has had a significant impact on the City of Euclid. It states positive things that have happened. I'll take one of the whereas. Whereas Mayor Cervenik has acted in a legal, ethical and responsible manner by balancing the City's budget by without raising taxes; wiping out an inherited \$4.5 million deficit, assuring the continuance of City employees' healthcare benefits. It states facts that have happened. This is a factual sheet. I don't see anything that's derogatory towards anyone that implies anything. It states what has happened since the Mayor has been here for 18 months. And it, it just states the facts. Some people might be uncomfortable with that, but it is the facts.

Councilwoman Mancuso – As we can see the political rhetoric as already begun. This is not an issue. This is a candidate. This is an officeholder. And however you put it, this is a gentleman who is running to stay in office. This has no business on the Council floor. We are here, we are here to do the legislative business of the City. We are not to be pro or con for any officeholder, any candidate.

If you want to know how the Council people feel, ask them on their own. If you want to know how I'm going to vote, follow me into the polls. This has no business on this Council floor. We should not be addressing in any way, shape or form.

Councilman Delaney – My At-Large colleague who co-sponsored this legislation did say it's to address press coverage. That is political. There's no way that this is not a political agenda. There's no way that this is not, this is not an issue it's a candidate. And the Mayor had stated some weeks ago in the paper that he was full campaign mode. That sounds to me like a candidate, who's running.

And to bring up Mr. Conway, he's a citizen. He, he exercised his right through the Charter. There were 4,000 people that signed that petition. The fact that he does not hold office there's no reason for him to come up here.

I would suggest to my two colleagues to organize a Town Hall meeting, to have panel discussions, to put it on TV. Bring the people in that have been at issue with this and debate them. There's no way this is City business.

The, I have a question. Director Frey, who wrote the legislation? Did the Law Department write the legislation, I'm assuming here?

Acting Mayor Frey – The meat of this resolution was drafted by the proponents of the resolution. What the Law Department did is put it into resolution form only.

Councilman Delaney – Okay. And the third whereas, there is a manner of balancing the City's budget without raising taxes, wiping out an inherited \$4.5 million deficit, we're a local government. We don't run deficits.

Acting Mayor Frey – Is there a question in that? Is there a question in that?

Councilman Delaney – That, that, that is not possible for the local government of Euclid, Ohio to run a deficit. The federal government does. But as you know, the state and the city do not run deficits, we balance our budget by law, is that not correct?

Acting Mayor Frey – I would suggest then that you move to amend the resolution and put whatever language you think that is more appropriately fitted to that point.

Councilman Delaney – Well, there's a big difference in those words. Thank you very much. But I, my point being, is that anything here can be contested. There is, there's nothing here that hasn't found resolved.

The hockey team was a ceremonial resolution and perhaps this should have been under the heading of ceremonial resolutions and not here to be debated. I, I, I don't want to be a part of this one way or another thank you.

Anonymous male voice – They want to use it for propoganda.

President Sustarsic – Who said that? Mr. Berzinskas, you're out of order. So if you could just refrain and keep your comments to the podium when you come up to the podium when you're supposed to, it'd be much appreciated and show your civility.

Councilwoman Hufnagle – The resolution, as Law Director Frey stated, aside from the whereases I did draft and I did it with, asking questions of the various Directors. So whereas Mayor Bill Cervenik has created an effective and productive economic development program for the City, in 18 months has retained 600 jobs that will create an additional 250 jobs. Excuse me but, Director Pietravoia, did I get those facts from you?

Director Pietravoia – Yes, you did.

Councilwoman Hufnagle – Okay, thank you. This, this legislation doesn't say how I feel, okay? This legislation deals with facts. And as Councilman Daly and I worked on it, I, I knew that Councilman Daly was going to meet with Mr. Conway. And Mr. Conway, because his name is on the recall, he is the citizen that put himself in charge of the recall. And when Mr. Daly was going to meet with Mr. Conway, I was under the impression that Mr. Daly was extending to him an invitation to speak to this issue this evening in front of this body. And again, I would make that motion if you would care to. And Mr. Daly also stated to Mr. Conway that if he was not comfortable doing it, that he could have his attorney present to do it. But I think, I think it's the least that we can expect from Mr. Conway to answer the charges of the recall and dispute this information.

Now, it is factual. It was based on fact. And to my colleague's question about the third whereas, Finance Director Jackson, would you please, Jackson, Johnson sorry, would you please address that paragraph.

Director Johnson – The substance of that paragraph is essentially what we've discussed for the last 18 months. The first budget that we presented initially did project a deficit of about \$4-1/2 million. We borrowed \$2 million to cover some of that budget shortfall, which obviously is a part of this criticism; but the, I don't know of anything in that paragraph that is incorrect.

Councilwoman Holzheimer Gail – While I will be clear and say that I do support the Mayor, I don't believe this is legislative matter. And although Director Frey says it is different, it's an issue. It's an issue of a political person and while I support the Mayor, I'll say that again. I do not believe he should be recalled. I will abstain from this because I don't believe this is appropriate Council matter, as we are making a political statement.

Councilman Langman – Law Director Frey, oh thank you, Law Director Frey, you're probably legally, technically correct; but it does seem like you are splitting hairs.

But I do want to go over the first whereas, where my two colleagues indicate that, he states that the Mayor has the ability to put the needs of the City above all political considerations for the last 18 months. And yet I received a letter in my box, as we all did, from the Mayor of this City where the third paragraph, part of it reads, and this is from Mr. Cervenik, I firmly believe that the majority of residents are tired of negative, confrontational and obstructionist positions of the Euclid Awareness Committee and three members of City Council have adopted in their efforts to halt the initiatives of my Administration. If that's not politics, I don't know what is.

Now, obviously the Mayor doesn't understand that the three of us, and it's clear who he's referring to, ladies and gentlemen, there's no mystery here. The three of us, we don't have the votes to stop anything that he's wanted to do during his 18 months. There's not one budget that we can stop or one project or one initiative, but it is our duty to ask questions of the Mayor and he seems to have a problem with that, quite frankly. So to this whereas here, where he puts the needs of the City above political considerations is, quite frankly, nonsense. It really is.

In fact, I have some e-mails here, one of which the Mayor sent us his second week in office. This is a Mayor Bill Cervenik's e-mail to us and the Directors where he states clearly having served on Council for 12 years I am aware of the importance of communication between Administration and Council. It is my intention to summarize my activities to you on a regular basis bi-weekly. Please feel free to contact me at any time or stop in and discuss any issues of important to you. This is my response, and by the way, he sent that out on December 15, 2003. I responded, let's see, December 16th. Mayor, thank you for the e-mail. It strikes the right tone. A couple of items that you may consider, first, I'd like to serve on the Golf Course Committee. Obviously, the course sits in Ward 2. I've also had several interesting conversations with developers that might benefit the course, the clubhouse and the surrounding parcels. As long as all options for the clubhouse are in play, then we can agree on the best plan that includes the right level of clubhouse. Second, I have also spoken with Mr. Gezan several times regarding Shore. As we discussed in our meeting, Mr. Gezan's ideas are worthy of exploration. I urge you to speak with Councilman Delaney.

Then the last point I'll touch on is third, the lakefront can be done. It is a matter of striking the proper deal where the City's risk is low. As the fulltime elected official, your role is critical. I

understand you have a meeting with Mr. Price on Friday. I ask that you keep me posted. Ladies and gentlemen, I am still waiting a reply to my e-mail. I don't think that anything I said in this e-mail is negative or obstructionist or confrontational and yet the Mayor refused to respond to my request. That's why people feel as strongly as they do because the political rhetoric doesn't match the actions that the Mayor has taken.

So the first whereas, as far as I'm concerned, the Mayor's been political from practically day 1 as far as I'm concerned.

Councilman Gruber – I can feel my Councilman's, my colleague's frustration. I went through the same thing for two years, two years ago, so I know more than anybody. And I've, I've never in the two years got a call from the Council President that time so I can feel, I feel your disdain.

President Sustarsic – I think we've belabored this long enough.

Councilwoman Mancuso – Yes.

President Sustarsic – It's turning political on both sides.

Councilwoman Mancuso – I move to close debate.

President Sustarsic – Prior to closing debate what I would like to do is to request to have my name added as one of the sponsors as this legislation. And again going along with the Law Director, I respectfully disagree with my colleagues in the fact that it is an issue. It is an issue of recall in the sense that this is an extraordinary circumstance that hasn't happened for over some 70 years and I believe that we have an individual here that we are just recognizing what he has done and his commitment that he has made to the community. So on that note.

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

Roll Call: Yeas: Daly, Gruber, Hufnagle, T. Sustarsic, J. Sustarsic

Abstain: Delaney, Holzheimer Gail, Langman, Mancuso

Passed.

CEREMONIAL RESOLUTIONS

Councilman Gruber moved for passage of ceremonial resolutions; seconded by Councilwoman Holzheimer Gail

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

Res. 66-2005 (335-05) Poppy Day

A resolution recognizing **Poppy Day** on **May 2, 2005** and the rich national sentiment that the flower offers. (Sponsored by Mayor Cervenik and entire Council)

Res. 57-2005 (343-05) Youth Hockey Assoc.

A resolution of congratulations to the Euclid Youth Hockey Association Program for their outstanding performance and numerous victories in the 2004 Hockey Season. (Sponsored by Mayor Cervenik and entire Council)

Councilwoman Hufnagle moved to go into the Committee of the Whole; seconded by Councilman Delaney. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

President Sustarsic – This will be the public portion of the meeting, obviously, speak to the good of the City. Please give your name and address as you approach the podium and you'll have a 5-minute time limit period. Thank you, first speaker, please.

Mr. Mike DiDomenico – 24770 Farringdon Ave. Tomorrow Euclid schools are seeking your approval for an operations levy. I'm speaking tonight in support of this levy and will attempt to persuade you to vote yes also.

It has been 6 years since the voters of Euclid approved an operations levy. But wait someone might say, didn't we pass the school levy in 2003? Yes but that was an improvement levy. What's the difference? The improvement levy was money spent to open two school buildings and do repairs that other buildings, to other buildings and grounds. That money cannot be spent for operations. Operations levy is for operations. Examples –salaries, benefits, books, computers,

software, paper, films, even fuel for the buses, in other words, everything that's directly related to teaching.

Now I've heard some people say that school funding in Ohio has been ruled unconstitutional by the State Supreme Court and, therefore, we should send a message and not pass any more school levies. I think that reasoning is flawed. By not passing any school levies the only people that are affected are the students. The politicians in Columbus do not suffer because local communities say no to school. If you want to change public school funding in Ohio, they must elect State Representatives and Senators that will get up off their behinds and do what they were ordered to do by the Court. But Ohio is years away from any change in public school funding. The manufacturing base that paid for schools in the 1960s and 70s is gone from Ohio. So the responsibility falls on us the residents. That's just the way it is.

I've heard other people say that no matter how much you spend you won't make the schools better. Again, the statement's wrong. Less money means fewer teachers, older books, fewer or no extra curricular activities voting no guarantees that things will get worse not better. It also sends a clear message to students. That message is you are not important. It is my belief that education can change the world.

Another point I've heard is that the State Lottery was supposed to pay for public schools. Well, they do give money to public schools. Euclid received 10% of its budget last year from the lottery, I got that from the Lottery website. If you thought the lottery was supposed to pay for more, then again you must go to the State Legislators.

Folks also complain that the School Board should watch their spending better. Well, it's been 6 years since we last passed an operations levy and most operations levy come due about, approximately every 3-5 years. So I think they're doing a good job. It shows good financial management.

Now I will point out to you that two members of the School Board have chosen to retire this year. Don't jump to any conclusions. They both served many years and said they feel it's time to move on. But it does make it imperative that we elect qualified replacements to those positions and we will elect these people in November.

Another complaint I've heard and this one really tees me off is that teachers earn too much money. Well, that's absurd. Do we really want teachers to be a minimum wage job? Think of exactly what these people do. They teach our children. Many teachers spend hours out of school grading, coaching, directing plays or choir or the band. Many also spend their time being mentors to kids whose parents aren't doing the job. Think back to your own days in school. Can't you remember one or two teachers that made a difference in your life? Is it right that athletes and movie stars make millions and yet we complain about the average salary earned by a teacher?

While you're still listening this far and you're thinking what's in it for me? I couldn't care less about somebody else's kid. Numerous studies have shown a direct correlation between the strength of a city's schools and the vitality of a city itself. Better schools attract residents with higher incomes, home values increase, new businesses open and existing ones stay and expand. An investment in public education is an investment in the city. Everybody wins. Say no to a local school levy only hurts our City.

Public education is taking a bad rap across the United States. Many feel that only a private education is a good one. Do we really want to go back to a time when only the wealthy were educated? That's been done before. It was called the Dark Ages. Thank you.

Mr. Steve Vasek – I'm the Treasurer with the Euclid City Schools, 651 East 222nd Street. You've had a long night so I'll keep this short.

First of all, I would like to thank the Council and the Mayor for supporting our operating levy, Issue 14. Your support is much needed and very much appreciated. This morning I became aware of a flyer that has been distributed over the last few days throughout the City written by an anonymous author. This flyer is urging folks to vote no on this issue. I received a copy of this flyer today and read it over. I believe that much of the information in this flyer to be somewhat misleading and I believe it misrepresents our fiscal integrity. Without getting into the details and disputing the specific numbers and information, I would like to review a couple of important facts and these are facts that have been audited and verified by the State Auditor's Office.

First, between the fiscal years 2003 and 2004 total general fund expenditures increased by 3.0%, in these times of ever increasing demands on public schools and ever increasing unfunded mandates from the Federal government and the State government, we believe this figure to be very responsible.

In fiscal 2003 total expenditures came in 2.7% below budget and in fiscal year 2004 expenditures came in 2.6% budget. Again these numbers have been verified by the Auditor of the State. Information received from the Ohio Department of Taxation and the County Auditor's Office

reveals that out of 31 school districts in Cuyahoga County, the City of Euclid or the Euclid City Schools is 25th in the County in the average property taxes paid for schools.

We believe the facts bear out that we have been responsible custodians of the taxpayers' money since our last operating levy 6 years ago and would ask the community to continue to support the quality school district that we have. Again, thank you for your support and thank you for your attention. And please vote tomorrow.

Mr. Tod Guntner – 390 East 257. First of all, I'd like to ask that everybody go out and vote tomorrow

Next, this coming Saturday, the 7th of May, Euclid Pet Pals in association with the Cleveland Bar Association will be holding an adopt-a-thon carnival. This will be at the Shelter from 12 to 3. It is free. There will be games, prizes, all kinds of things going on, food. This is in conjunction with the Cleveland, with a national get together of lawyers called Justice for All Day, where different Bar Associations get together and do a community service project and for the second year in a row, the Cleveland Bar Association has chosen to help Euclid Pet Pals so we appreciate your support in this matter.

Next, Friday, the 13th, is our Second Annual Bark-B-Q. This is a fully-catered rib and chicken dinner with all the fixings to be held at The Manor from 6:30 to midnight. Beer and wine will be served starting at 6:30; dinner at 7:30. Tickets are only \$30. They're the same price as last year and all of the net proceeds go to help the animals at the Euclid Animal Shelter. We appreciate your support. If anyone can buy a ticket, I have tickets with me tonight. You can stop at the Shelter from 12 to 4 Tuesday through Saturday or Thursday evening from 6-8 to purchase a ticket. I have had tickets sold tonight and I appreciate everyone's support.

Nest, I would like to thank, and I can't pronounce his name so I won't even try, the Principal at Memorial Park School, the three teachers and the second graders from Memorial Park for their participation in the Arbor Day ceremonies. It's unbelievable this group of second graders, from what I heard, didn't make one mistake on their selected songs and they were all on key. It was a very moving experience and I'm sure it'll be on TV starting Wednesday, maybe. And everybody if you get a chance, watch it, you will not be disappointed.

I do have one other thing to say and I normally don't say things like this but there's been increasing number of instances where people come p to this microphone and they feel the need to curse. This is unacceptable and I had a 15-minute speech about this but I will just say one thing. There are children watching these proceedings. So think about that and the next time you write down a word that is profane 3 and 4 times in your text. Thank you.

Mr. Vince Riha – 1515 East 195th St. My first question is to the Parks and Recreation Committee. I'd like to know if a date has been set for the resolution concerning the joining of the Natural History Museum and the City of Euclid in the preservation of the property between Richmond Road and Brush Road. I'm interested to hear that.

Second, my question is directed to the whole City Council. I think we need to rethink our curbside recycling project. I heard tonight about how much money was spent to beautify the businesses and streetscapes of this whole city and it was a real chore for the community grants to be used for this money. But in the March 10th News Journal, it was quoted that, and Director Gulich made it tonight again it was \$150 he used, it was \$155 for each container that had to be picked up 2 to 3 times a week. Now when I did my extrapolation of the figures, there were 6 containers in the City. There are a fewer number now, but they are larger. So being rubbish containers are usually based on cubic feet, I don't know if that still holds for the same pricing, but twice a week for 6 containers for a 52-week period is \$96,000. If those are picked up 3 times a week, the figure exceeds \$146,000. Now to save \$150,000, what have we lost by garbaging up the City. We have CABOR coming. We have the Irish American Festival; we have Spirit Unity Day and what are they going to see? Trash. Is it worth it? We spent with Burges & Burges and Brokaw to sell the City why are we tearing it down? And the Station #2 that could be moved to the Muni lot over on North Street and I thank you for your attention on that one, Council.

Also, I'm asking Director Johnson, for the period of January through March of 2005 of the City Budget and I'm talking total bottom line, because being a very simple person I just need bottom line figures to make adjustments in my mind, what is the total budgeted figure for all factors of the government through that period and what were the actual revenues or expenditures rather including those not necessarily paid out but also projected to be used for that period of time? And also the adjusted figures for all income based on projected income, I'm talking about fees from the Recreation Department, permits, fines, whatever there be, just a bottom line of where we're at for the first 3 months of the year to see if we're anywhere near on track like they say we are.

And then to Director Frey, how are things coming with the U.S. Department of Justice's investigation of our civil rights violations? Thank you.

Acting Mayor Frey – To answer Mr. Riha’s question, I spoke...

Mr. Riha (yelling from somewhere) – Mr. Frey, you cannot answer that. You were told at the last meeting you’re not to answer that ‘til everyone’s done speaking.

Acting Mayor Frey – Sir, thank you, if Council President chooses, I will follow the ordinance and address the question at the conclusion of the speaker’s remarks. The Department of Justice has not taken any action at this point in time. The inquiry from the attorney at Justice, the last conversation I had with her was probably 2 to 3 weeks ago. She asked if we had yet moved on the Zoning Plan Review. I had indicated to her that a budget amendment was forthcoming to City Council. That if Council approved that budget amendment, we would then go out for proposals to do a comprehensive zoning plan review. Given that Council has approved the budget, that’s what we will, the next step and I will keep the Justice Department informed of that.

President Sustarsic – Thank you. Next speaker, please.

Mr. Harvey Hutter – 1446 East 204th St. If I were to come up with one word that would describe this 9-member Council, it would be, and how they vote, it would be predictable. And to 3 of the members, Mayor Cervenik’s 3, that’s a compliment and to the rest it’s not.

I’m a member of the Euclid Awareness Recall Committee. I was one of many dedicated petitioners. I found that about half of the residents who signed the petitions were previous Cervenik backers. There are many people who said they would vote for a recall if they got it on the ballot, but they would not sign, mostly because of fear.

Mayor Cervenik, there are many, many residents who want to recall you. Would you please save the City the expense and the embarrassment of a recall? I urge you to resign now.

Mrs. Audrey Kaplan Goodman – 20201 Glen Russ Lane. With all due respect and for the good of the City tonight I come before you to affirm that democracy does work despite those people who would deny the American way and the process of free thought. Democracy is a creation designed to protect the weak, the discriminated and the disenfranchised of any society. Those who in any way, shape or form attempt to deny democracy because they disagree with an issue are truly in violation of the Constitution of the United States and they seek to destroy the foundation on which this country was built. Disagreement is democracy at its fineness. Denial of the differences of opinion is a clear violation of the principles as written by our forefathers.

So tonight I wish to stand here and praise to the highest levels the citizens of the City of Euclid for their conviction and more importantly their courage to stand and be counted not once but three times already. Certainly, I must acknowledge the unbelievable of the carriers of petitions for both the referendum and the recall. These people gave their time and energy unselfishly, but all their effort would have been for nothing if it had not been for the citizens of Euclid that signed their names to those two petitions. They are the real heroes, no matter who would question their right to make their own decision.

I also want to thank the countless number of people who wanted to sign the recall petitions but sadly feared reprisal from this Administration. These same people affirmed that their vote will be their signature.

In the April 28th, 2005 letter from the Mayor to the Clerk of Council that he would not resign, he states and I quote I firmly believe that the majority of residents are tired of the negative, confrontational and obstructionist positions of the Euclid Awareness Committee and three members of City Council have adopted in their efforts to halt the initiatives my Administration end quote. With all due respect, Mr. Mayor, I think that the overwhelmingly majority of residents of Euclid have proven by deed and their affirmation of the referendum, the 13,204 residents that voted against the Hillandale issue and the citizens signed the recall are tired of the negative, confrontational and obstructional positions not of the EAC and the 3 members of Council but of this Administration and the 5 members of Council that find no problems with any of your decisions. Denial has not yet stopped the tidal wave of the citizens of Euclid to let this Administration know in no uncertain terms that change will prevail.

Mr. Tom Cooke – 25641 Edgecliff. Mr. Gruber, you had said earlier that if the Mayor was recalled that he would be excluded from ever taking another public office ever, is that correct?

Councilman Gruber – Yes, sir, that’s how I believe it. Director Frey, is that correct? You can never run for public office again?

Mr. Cooke – Is that correct, Mr. Frey?

Acting Mayor Frey – Mr. Cooke, the ordinance indicates that I should respond to your question or the Councilman should at the conclusion of your remarks. I'm willing to do so and able to do so if you are otherwise...

Mr. Cooke – I would like a very clear answer to that question whether or not the Mayor ever in his lifetime if is recalled, whether or not he will be able to hold public office anywhere? And if there are qualifications, I want to know what those are and the audience definitely needs to know that and understand that.

My original intent of coming up here and speaking was with regard to the school levy. Mr. Langman, you're correct in stating that the reconstruction of the storefronts along Lake Shore Boulevard in the entire City of Euclid is for to, hopefully, bring in more residents to spend more money in the City of Euclid. I do have, I don't understand exactly how you do that when in passing this levy immediately, the residents will lose \$6.8 million in purchasing power directly out of their pockets in order to go out and purchase local goods and services.

What I don't understand is how do you continue to try to attract new businesses to Euclid and keep existing ones here? What do you tell them? Come to Euclid, we've just raised property taxes 7.9 mills and we're going to raise them again in a couple of years. Not only that we also have one of the highest payroll taxes, as you know, in the State of Ohio. It is well know that the Euclid current's funding problem has been tossed into Euclid's lap by the State of Ohio. The State of Ohio's solution to the problem, obviously, is just dump it on the local communities. Let them tax the local residents.

It has been recommended by this Council and others that the solution to this problem is to elect, is for the populace to elect State representatives that are sensitive to this issue, thus, making the necessary corrections. Politicians are elected with money. Those who supply the money get politicians' ears first, we all know that. Unfortunately, Euclid is not considered a wealthy community when measured on the political money scale; however, when it comes to numbers, we do have the edge and this is the other side of the money equation. Although we may not have the money to help the State representative get elected and, thus, get them to listen to us, we do have the numbers to vote down levies and take money away to get their attention. It's, unfortunate, that we've been driven to this point. It has been 10 years. The Supreme Court has stated 4 times over that it is unconstitutional. I think 10 years is enough time to get the ball running. I'm not ready to sit here and wait another 10 years. Until I see substantial action, I cannot support this on the State level.

I'm sorry that the local community has to bear this brunt, the economic brunt of the State irresponsibly dumping this on the local community and that's exactly what they did. That tells you who they are. The only way, the only way I have as a local citizen to make my point made is to hit them in the pocketbook and if that's got to be done through you, then I'll do it. Thank you.

Acting Mayor Frey – If I could, please, to answer Mr. Cooke's. Thank you. Mr. Cooke, I have in front of me the Charter. I do not have in front of me tonight the Ohio Revised Code so I would give you a qualified answer and would follow-up after I could review the Revised Code dealing with removal from office in municipal government. But the Charter says the officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby. That's Article 3, Section 2. So our Charter only prohibits that office holder from being re-appointed to that, to the vacant office would not disqualify, the Charter itself would not disqualify the office holder from at some subsequent time running for that or some other office. However, I will consult with the Revised Code to see if they make any other restrictions relative to that. There are provisions in the Ohio Revised Code dealing with certain crimes that a conviction for that crime would prohibit an individual from holding a position of public trust or public office. That is not the recall provision or removal from office for that for that purpose such as what we're discussing tonight. So with that qualified answer, I will check the Revised Code and have to further advise.

Councilman Gruber – Mr. Frey, also check Ohio Election Laws.

Acting Mayor Frey – Thank you.

Councilman Gruber – Thank you.

Councilman Langman – Can I address Mr. Cooke's questions, since he did address it specifically to me or?

President Sustarsic – Try to keep it brief, I'd appreciate it.

Councilman Langman – Okay. Mr. Cooke, your point is well taken. but that's the system that we're dealing with so every community is under the strictures you describe. I can appreciate your frustration, but I don't want to use the children to get the attention of our Legislature that aren't doing the job. I think it's, to me, that's a poor way of getting their attention. There's more effective ways while maintaining a quality education here in the City. So we can discuss it further if you wish. Thank you, Mr. Chairman.

President Sustarsic – Thank you. Next speaker, please.

Mr. John Conway – 291 East 276. And I'd like to at least address the one comment made by Councilman Daly today or this evening. Obviously, we must have had a misunderstanding. I no way said that Count 2 was wrong. You provided me some memos from A.G. Edwards. Talked about the bond rating, provided me some previous Council minutes with comments from former Director Balazs, which is true; but I never stated that Count 2 was incorrect and I still believe Count 2 is accurate.

I did make a commitment to you that if there was a point in time over the last 17 months that I clearly stated something that was proven to be inaccurate I'd be the first person to come to this podium and say that I was wrong and I think I've done that on occasions before where you've pointed something out. Most of the counts, actually all 4 of the counts that are on the petition, were 4 things that I believe strongly. I believe that they were brought to our attention by many members of the community, but at the end of the day what matters is that when somebody turns out to vote for or against a recall, that's a decision they need to go ahead and make. I do not believe that there was any inaccuracies on the petitions. I firmly believe the Mayor turned his back on 13,204 residents when it came to the Hillandale issue. I certainly believe the Mayor's handling of the budget impacted the City's bond rating, though, I do know that you can provide documents that state the borrowing of \$2 million in of itself may not have been the main driver of the bond rating going down. I still believe that the Mayor's biggest problem right now is that he has completely failed to bring this community together on every single major issue that's come across this Administration in the last 17 months.

Once again, I am committed to, in the proper setting, having various meetings across this community and answer any questions that anybody has; but I think clearly there is even disagreement amongst this Council whether or not it would even have been appropriate for me to accept questions at that point. Those forums will exist over the next 75 days and I would be happy to attend; but I want to make it perfectly clear I in no way think Count 2 is incorrect and I certainly don't believe I left the impression today that Count 2 was incorrect when I left your office. But thank you very much.

Mr. Dennis Berzinskas – 20890 S. Lakeshore Blvd. Political propaganda whether it's the Democrats or the Republicans in this country has gotten too high, too much. That's why the citizens are speaking. That's why Bill Cervenik is wrong for the City. Bill Cervenik's cost us millions of dollars in the past. Every time we go to a meeting with Bill, whether it be in this Council Chambers a few weeks ago or in his office when he was talking to the Shore Board, everything he says is it's not my fault. I'm not responsible. When are you going to stand up on your own, Bill, and take a responsibility for what you do?

The sign law cost us over \$360,000. Shore, 4 plans, you don't need 4 plans to do something you need 1, \$60,000 out of \$100,000 to repair the building so he burned that money up. Since 1993 Bill Cervenik and before that wanted to get rid of Shore, so you say why I'm out of order, that's why I'm out of order because I've known Bill all that time. Bill does not care about this City like he says he does.

Now on to other things, Shore again, 2 weeks ago we had 27 people come up there to help paint, scrap, wash and I thank those people.

PPG on St. Clair across from Lincoln Electric's complex donated paint. We thank them wholeheartedly for believing in a project, believing in the citizens. PPG, we thank you.

Tomorrow, it's a voting day. I'll be the guy at the Henn Mansion because I've got to get up and be there at 5 o'clock tomorrow morning so I'll be the one with the red eyes if you see me there.

Anyway, schools, library issue, you can say a lot about it. Why we shouldn't vote for it, but if you live in the City, you have to vote yes. It's too important. We have politicians out there that are cutting the budgets because they don't want intelligent citizens out there to understand what's going on in government. You just go along and worry about your little lives. We'll take care of you. Well, we're tired of you taking care of us. That's why we're here. That's why there's a recall and

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you're afraid because you're doing something that isn't right for the citizenry. When are you going to learn? Citizens are going to have to start paying closer attention to what's going on.

Did a repaving job over there in the municipal parking lot, they removed all the concrete obstructions because they said it saved \$60,000 in repaving. Yeah? But what did it cost to remove all those? Three times that amount.

Get out and vote and next time we're going to paint is May 14th at Shore 9 a.m. to 12. Glad to have everybody out and remember vote tomorrow for a stronger Euclid. Thank you.

Mr. Matt Sarver – 26550 Shoreview. Since Chief Maine is not here this evening, I'll be directing some questions to Captain Repicky. In the Plain Dealer this past Friday, there was a, quite an abbreviated write-up regarding the homicide that did take place last Wednesday, I believe it was, where a citizen received lethal stab wounds in a domestic dispute. And both, both individuals involved were here, were from the City, were from Euclid. They live in Euclid. What can you tell us, Captain Repicky, what can you tell us about that investigate at this point?

President Sustarsic – Excuse me, is that all of your question or do you have others? In other words, get them through first and then have him answer everything.

Mr. Sarver – Okay, there's, there's one more.

President Sustarsic – Okay.

Mr. Sarver – Could you also tell us if the Police Department had received complaints in the past, maybe, regarding the individual that was charged? Maybe other complaints, concerns, phone calls, things like that, maybe, things on record, I guess that would be a question wise.

Since I do have some time left, I would like to lend my support for both the school levy and the library levy. I know we're being asked to vote for two levies, but really the two institutions are complementary and I think a gentleman said it best a couple of weeks ago when he said that you go to school to get educated and you go to the library to expand your knowledge and expand your horizons. So I intend on voting yes for both issues and I hope my fellow citizenry see fit to do the same. Thank you.

President Sustarsic – Thank you. Captain Repicky?

Captain Repicky – The incident on Crystal Avenue was a very unfortunate incident. The victim did not live in the city and we have had other complaints at that resident. Other than that the investigation is still ongoing and if anyone would like to talk to the Chief, he'll be back Wednesday for further comment.

President Sustarsic – Thank you. Next speaker, please.

Dr. Joffrey Jones – 131 East 265th St. Superintendent of schools. I did want to make a couple of statements, very briefly. One, I want to thank Councilman Langman for his response to Mr. Cooke's statement about we do have to stop all these taxes and we do have to make a very clear message to our legislators at the State, at the State level.

This is a situation where none of us like taxes. None of us like taxes, obviously, but it'd be nice to get something for nothing but that's not where we are today and nor will we be there shortly I don't believe. We cannot sacrifice the children of the City, the quality of the City, the strength of the City in order to make a point at this time in Columbus. Certainly, I don't know if anyone knows but Superintendents organizations and others have been to Columbus lobbying. We have been taking this very seriously. We have been pushing as hard as we can in other realms other than being able to saying well, we're going to have to stop all votes for taxes. This is about our children. This is about our future. This is about our community and I want to say that we have an imperative to be voting in support of us tomorrow in support of the library tomorrow. Because if, as a city, we limit our opportunity and ability to learn that is a very significant step backward. And we are in a city that I'm proud to live in we're attempting to move forward. So thank you for your support and vote tomorrow.

Mrs. Bernadette Walsh – 651 East 266. And I want to bring the good news first, which was my treat last time at the podium. I received an e-mail yesterday that Miss Ashley Allen, a resident of Euclid, an Up Stage Player has been the second nominee that I've turned in, both residents of Euclid, to be accepted to the Case Western Reserve University Philanthropy Committee. So for the next 4 years she will work learning to raise money and do things for non-profits such as, United

Way and others that come on and they have an annual meeting in February, which is wonderful for youth to participate in and she will be able to help plan that. I congratulate Ashley Allen and I give her recommendation whereas she's a wonderful kid and there's no voting on that.

The other one I nominated was Joanne Neugenbauer and she's about to go off because she's graduating. Ashley's been on our tech crew for 3-1/2 years. She raised money for the Tsunami with selling her own beanie bag collection and she raised over \$700 doing this all herself so I am very proud of Ashley Allen.

I'm really glad that you're doing all of this renovation and you're doing all of this storefront and downtown Euclid is going to be marvelous. I wish you would remove the newspaper boxes or at least encase them and all of this renovation is going to make that Shore property more valuable so that we can get more than \$350,000 for it and that really makes me feel good, too.

The other thing I'd like to ask is I haven't seen Mrs. Raukar in a while and I don't know where she is maybe her complaints have been taken care of, but I sure do miss her.

I never stood next to a School Superintendent before. I never sat in front of him. But I must say sitting on this side in front of the School Superintendent was a pleasure. I want to point out that on East 260th right as you turn down the street there's a handmade sign and it says vote for the issue. Vote for the school levy. I got to tell you the school levy weighed heavy on my heart because I can't afford the 75 cents a day. But I realize after passing that sign many days, I can't not afford it. I am a proud of Euclid High School and I think I've grown up to be a pretty spectacular woman of many accomplishments and I deserve to give those kids what I got in that education system graduating in yes, the far gone year of 1963. And I learned more from Euclid High than my children did for much tuition in private schools. So for that reason and because of that hand painted sign, I'm voting for the levy and because my daughters twisted my arm and told me how much I use the library I'm voting for that levy too. So I think we all should think about it. I don't have the 75 cents a day. The overall thing scares the heck out of me. Scares my neighbors to death and they call me and tell me they don't have it, but you know what, we got together. We're supporting the levy and I do hope it passes because you're going to have a lot of individuals that are going to be Council people some day.

I, I briefly want to touch on something. I supported the recall and whereas I supported the recall because of the arrogance because of the newspaper burning because of not listening to me because of taking away the vote. That's why I supported it. I'm not a card-carrying EAC member. Last time I did an analogy of a play. This time it's on a drama. It's called Whales of Long Cache and it's about the Irish and it's about the Blanket Rebellion. And these prisoners went to jail and they had no blankets and for years they fought it. We will not go away. We will not abstain and no matter what happens on July 10th, 11th, 12th whatever day you pick we will survive and we still will be here because we love Euclid. Thank you.

Mrs. Susan McGinn – 141 Sunnyclyff Dr. Before I begin, Law Director Frey, I was wondering if you could make available the ordinance that allowed you to settle the Hillandale lawsuit. We still have some questions on the legality of that and we're hoping we can see it some time in the near future.

With all due respect and for the good of the City, I would like to talk about the resolution that was passed this evening, one segment of it actually. In the resolution it states that the Mayor's settling of the Hillandale lawsuit was ethical and responsible. For the good of the City the Mayor says. If the Mayor had agreed with or supported the 13,000 people who opposed the Hillandale zoning regardless of the cost, would that have been unethical and irresponsible? Shouldn't the Mayor's first responsibility be to the Euclid citizen's? Why did he go behind our backs and settle with a group who do not yet live in the City and then be perplexed that we the citizens feel betrayed by his actions? Ethics are principles of right or good contact. How can he turn his back on 13,000 voters and call it right or good? This is the case that still has not been made clear to the 13,000 people. Instead the Mayor devotes his efforts to surrounding himself with yes men, high school and political cronies and family who offer no real perspective, no real challenge, no real alternatives. How about being straight with the voters, Mayor, less secretive, less calculating, less combative? How about not having a political agenda? How about building relationships with people instead of alienating and inciting them? How about less of my way or the highway and more about what the people desire?

How can he not understand why people are frustrated and angry? Yes, angry, and speaking of angry I'm angry about this letter. This letter is about three committed political officials, who I happen to know personally, who I vote for. They're some of the hardest working people I know. They're more committed to Euclid than just about anybody I know and for the Mayor to continue to exclude them. I would think he would love to have 10 Charlene Mancusos. Darryl Langman is one of the most popular Council people in this City. I live in Ward 2. I don't know one person that is not in support of him. And Councilman Delaney he receives more votes than any other candidate

up here every time he runs for office. How dare the Mayor exclude these people and call them obstructionists. It has to stop. It has to stop now. Thank you.

Mr. Victor Goodman – 20201 Glen Russ Lane. And I sure hope Mr. Gruber is listening. Last night I finished a holiday of my faith. In our thanks we tell God that had He done only one thing to help us out of bondage it would have been sufficient. And yet God continued His wonders and we praise Him for all He did.

Tonight, believe it or not, especially to many people here with a heavy heart I look upon the last 18 months with sadness and ask, could our Mayor, like the Pharaoh of Egypt, have altered events and change the course of the outcome. My answer is yes and this is how he could have and should have, Mr. Daly and Mrs. Hufnagle and Mr. Gruber and Mr. Sustarsics. This is how he should have performed. Had he apologized to 11 citizens that he called out by name, it might have been sufficient. Had he retracted the calling of those opposed to Hillandale racists, it might have been sufficient. If he had embraced the expertise of Councilman Mancuso on healthcare, it might have been sufficient. If he had even considered Councilman Langman and Jerry Corbran's alternate plans to save the Knuth Center, it might have been sufficient. Had he had, had he respectfully listened and evaluated CCA's discussion on tax collection, it might have been sufficient. Had he released attorney, Brian Meister, after his debacle at this podium and his calling of citizens racists and anti-Semites, it might have been sufficient. Had he realized that attempting to sell Shore Cultural Centre to a contributor to his election and a citizen employee would be viewed as a conflict of interest, it might have been sufficient. Had he checked for nearly a year that the group trying to buy Shore Centre had not even incorporated, it might have been sufficient.

If he had only shown any compromise when he called a meeting with those he had issues with and actually compromised, it might have been sufficient. If he had not referred to the good citizens of Euclid as a few negative confrontational and obstructionist people and instead had embraced and welcomed their zeal and good works, it might have been sufficient. If he given just an inch or found even an iota of middle ground on any issue, then all this would have been avoided. The Mayor now, all I can say your recall will be sufficient.

Now with my time remaining, I would like to state for whatever it is worth; but I have an intention, all intention of sending a copy of this tape to the Attorney General of the State of Ohio, Jim Petro, for his observation as to the ethics that were done here tonight.

And I'd like to remind because evidently he seemed to forgot, Mr. Gruber, when he commented that now Mr. Langman should know how it feels from the last Council. Well, evidently, he can't do the math. On the last Council we had Lisy, Gudenas, Langman and Delaney, who pretty much agreed with each other. That equals 4. On the other side we had Gruber, Miller, McTighe and Sustarsic, that equals 4, which meant that the swing vote was always Mrs. Gail. So I'm afraid Mr. Gruber's totally incorrect. It took cooperation by 4 and 4 to convince 1 or 2 to vote their way. And yes look at the clock it's now down to 8. All I can say, I respect people when they do the right thing. It's time you did it.

Mr. Joe Udovic – 21371 Naumann. I will say that I will be supporting the school levy for tomorrow's election. I have two nephews in the Euclid Public School System and I am a graduate of Euclid's public school system and I realize the base education the children are receiving is very important. The money that's going to go into the schools is going to help their base education so when, if they go to a secondary type of education be it college or university, they'll get the best education money can buy.

I want to continue where Mr., sorry, Victor Goodman left off. I do not see how 4 votes is a majority. I don't see how 3 votes is a majority. I received that same letter and to obstruct something you must have the majority on Council. In 2001 the 4 votes did not have a majority. In this Council 3 votes do not have a majority. Like was mentioned before, there always had to be some sort of a compromise to get things done before 2001 and 2003.

Now I'm going to throw my spin into what I believes going to happen and what's going on. As a lot of people know, I'm self employed being the fact is I'm the boss of my own company and I have to hire employees. It is my opinion that recall is the same thing as firing someone. During a recall drive, I asked a pro-Cervenik citizen a question. If you and I can be fired from our jobs if we do not meet the expectations of the job title, then why can't our Mayor be fired. No response was given. If anyone tonight would like to address this, give me the answer to this question, I'll be willing to listen right now or I'll meet you outside the Chamber walls and talk to you about this.

Our State of Ohio is an at-will state. An employee can be dismissed at the will of the employer as long as no grounds of discrimination occur. The Mayor works and is employed at the will of the people or the citizens of Euclid. Our former Recreation Director, Bob DeMinico, was fired at the will of current Mayor Cervenik for no apparent reason. I'm asking our citizens to follow similar suit and vote our Mayor Cervenik out of his current office. If the Mayor really wants to do the right

thing and what's best for the City, I would advise him to save the 3,000, \$36,000 and he should, please, just retire or please leave his office within the 5 days allotted to him. Thank you. Have a very nice Mother's Day and have a good evening.

Mrs. Rebecca Conway – 291 East 276th St. I'd first like to congratulate Ashley Allen. I don't really know her at all. I've just seen her at a few meetings and selling her beanie babies and stuff and think it's going to be interesting watching her grow up and what she's going to do and one day she might be seating up here or maybe something bigger and better with her life. She's definitely a talented little girl.

I'd like to share with everyone what I learned this week and it's in reference to CCA, who collects our taxes. In addition to all the reasons on the petition that I agree with, why I will be voting to recall the Mayor, there's something else that I learned that I think the community needs to know. Six thousand letters, I think, as many people know went out to residents who were on behind on their taxes. CCA sent those letters out on their own. From what I was told the City wasn't really cooperating with the idea so they said, you know, we're just going to do it. You pay a flat rate, I believe it's around 500,000 for their service. It was no extra, you know, expenditure to the City so they sent out 6,000 letters. In total they billed \$500,000 out. In 4 months they collected \$250,000 that all came to the city. So when Bill Cervenik wants to put his own Tax Department in here I disagree with it. It's just another reason for me to recall him. That took 4 people for them to start and finish that project; \$250,000 they collected in 4 months in addition to all the other taxes they collect. I don't think the Tax Department is a good idea. You voted it through. Maybe with a new mayor they can vote it out. Thank you.

Mr. Kent Smith – 34 Charleston Square. Euclid School Board member, just want to read a couple of facts and figures into the record just as school finance has, again, come up at this meeting. And again, any resident, who would like to come to one of our meetings and discuss school finance and how the Euclid schools are run, we're happy to entertain your questions there.

The average total school tax, as was alluded to by our Treasurer, there are 31 public school districts in Cuyahoga County. We would rank 25th in current average tax burden, which is to say that there are 24 more expensive municipalities. If our issue passes tomorrow and none of the other issues pass, we would be 21st out of 31. If all the issues passed tomorrow, we would be 24th out of 31.

The issue of economic competitiveness was brought up. Dr. Ronald Ferguson from Harvard University said the #1 factor in economic development is the cost and quality of your labor. Tomorrow's issue can help ensure the quality of your labor and ensure the economic competitiveness will remain here in Euclid. Economic development and K-12 education funding should be seen as going hand-in-hand. It should be seen for every dollar invested in education today or, in fact, tomorrow it should be seen as research and development dollars for Ohio's future economy. Indeed if you have a 401k and you're planning on retiring on those dollars, you better vote yes for a levy to ensure that the workforce will ensure that the economy will continue to grow so that 401k will continue to grow.

As has been mentioned before, the average operating levy takes a 3-5 year cycle and we're coming back 6 years after the last one. The last one passed in 1999 and since that time of the 612 public school districts in the State of Ohio, there's been 2,216 levies offered by those other districts. That's an average of 3.6 a community over the last 5 years. Euclid truly is an exception in that we have been able to stretch to 6 years. If you would have lived any other state, any other place in the State of Ohio, you would have seen 3.6 levy requests come to you since the last time we passed an operating levy.

I might also remind the voters at home, even though you're well aware of this, that we did just pass a buildings levy. That, as Mr. DeMinico pointed out, Mr. DiDomenico pointed out, those were for buildings. Those were for the re-opening of Memorial Park and re-opening of Indian Hills, the restoration of all the kindergarten, conversion of Forest Park back to a middle school. But we made promises when we asked for those dollars that we would budget your money wisely. We would not overspend and we would come in under budget and I can stand here and tell you that we did just that. That project came in \$600,000 under budget. So why we realize it's uncomfortable to ask anyone to increase their taxes, indeed if it passes, my taxes will go up as well. We think that we have been good stewards of our dollars thus far and in our most recent past.

And I appreciate the kind of words of support for our kids and our district and I think that if you want to continue to have strong economic development in Euclid, one of the ways to ensure it is to vote yes tomorrow. Thanks very much.

Mr. Dick Tomsic – 25571 Glenbrook Blvd. I'm going to also follow the theme that has been going on the last couple of speakers is pro-school boards, the school levy and pro-library levy.

I graduated from Euclid High. I went to Shore when it was still a school before it got a little tooled. All of my children graduated from Euclid High, went to Euclid. When I went here who paid for my education? The taxpayers. I owe them a debt of gratitude.

My children went to this school went to the public, Euclid public schools. Who helped pay for it? I helped pay for some of the school taxes but so did a lot of other people so did a lot of businesses paid property taxes and other taxes to fund the schools. I benefited directly, my children, too, have benefited for it. There's something a scout master said to the troop, used to be the scout master the troop my children belonged to, it's payback time. And I think there's a lot of citizens in Euclid should think about it that way. Payback time and it's not only the school system and the library. In fact the library there's a number of people who refer to libraries as the poor man's university and I've sure made use of public libraries for various things figuring how to do various repairs on cars and homes and things like that. The, but it also isn't just school levies.

I'm going to go a little off on one end here. People don't like to pay taxes, but yet they want good city services. They want their roads patched. They want their sewers cleaned. If you've ever had your sewer back up and your basement flooded and, why didn't somebody do something about it? Well, maybe there were some budget cuts and there were some personnel cuts because there was no money. The next time you hit a pothole and you ruin a tire and have to have a front end realigned or front end repaired and you end up paying about \$3,400 for that. Think about how much cheaper it would have been if you'd of maybe paid an extra \$100 a year in taxes to have those potholes repaired.

There's a lot of times when we, citizens, react to what I would refer to as knee-jerk reactions. Cut taxes, cut taxes or get rid of this, get rid of that. This is that. That's good without really thinking clearly. I'm going to throw out a phrase here that some people might not like hearing but it's, it's been around for a long time and I don't like clichés usually but I'm going to resort to a few. One man's freedom fighter is another man's terrorist. Who are the freedom fighters? Who are the terrorists? Small groups of people can push a group into the right direction; some group of people can push things into the wrong direction. And probably one of the worst things we can do is become self righteous is by God and I'm right and if they'd of done things my way, things would have gone the right way. Well, things have gone the way some people wanted them to go and sometimes they don't always turn out the way they think they should go. I think there's times we have to do a little bit of self reflection. I refer to it as looking in a mirror and cursing out the person you're looking at. And I think there's times when we have to do that and I think right now in Euclid.

I was a little disappointed in one comment saying well, this is so disruptive we have to get it over with. It's difficult to do business. That's what life's all about. If you'd never had to work under difficult conditions, get out of the kitchen. There's a lot of things we have to look at ourselves and stop being self righteous and by God I'm right and everybody else that doesn't agree with me is wrong whichever side of the street you're on. Thank you.

Ms. Julie Nowak – 155 East 217th St. Also supporting the school levy was out there this weekend handing out literature, the #1 thing when anyone looks at a city, the first thing the only thing people always ask well, what are the schools like? They don't ask if there's a recycling program. They don't care if the curbs are fixed. They, the first and most important thing is what are the schools like? There's a mass, I think, totally misperceived conception that Euclid has poor schools. I know a lot of people who have gone through the schools personally a lot of my family have gone through the schools. Have talked with people who have transferred from other schools particularly other school systems, school districts where the property taxes are just too much for their parents and they move here. So I know hear we have high taxes, I know we hear we have high income tax. To me it's always kind of been a wash because we are afforded 100% credit for our income tax. I know people in other cities, who have actually paid more even though they bring home less income than some of the people I know in Euclid, have paid more in income tax. So there's a lot of issues and a lot of arguments that we could present about, you know, the school and money and funding. But when it comes right down to it, it's very important that we pass this levy.

Levies everywhere are not passing and I think it would be an unbelievably great thing to put Euclid back on the map because we pass our levy. School systems are closing schools and we opened two schools last year. In Mentor if you want all day kindergarten, you have to pay \$2,000 for it; but Mentor is perceived to have a better school system than Euclid. It's something that I've just never been able to grasp or understand. Our children really need to be backed on this and that's what it comes down to. I know the State really needs to change what they're doing. I've gone to a couple of seminars. I've actually gone and listened to the judge who heard all three trials speak about how the State funds it, how the Supreme Court ruled three times that it was unconstitutional and how nothing has still been done.

It is an unbelievable mess that something as simple as just voting for the right person in the state office is not going to fix. It's something that we need to proactively all the emotion we come up here with whether we're for it or against it, we need to put that into changing what happens in the state. But in the meantime as strongly as I feel about that, I'm not willing to let my nieces, my neighbors or anyone in the school system suffer because, you know, the state is not doing what they need to do. As a parent, as an aunt, as you know a neighbor, this is what I want for my community. So I'm going to swallow this one and I'm going to vote for the levy because it's only going to bring good things to Euclid. I think we need to bring something good to Euclid.

Definitely voting for the library levy, I think my niece, Erica, would live there if she could and we're all waiting until she's old enough to drive herself there so we don't have to always go.

Another subject, if we could when we're looking at the garage sales, let's try not to make it rocket science. I know a friend of mine lived in Shaker Heights and we through a garage sale while she lived in when she was moving out of the city and it was like rocket science. It could be very plain and simple. I like the idea of having 6 months if you have to change the date. We had to change the date because of weather and we had to reapply for a permit and pay for another permit and it just seemed a little ridiculous.

And lastly, whether it's a resolution or not, whether it's ethical or not, I support Mayor Cervenik. Not, by my own accord, no matter, you know, what I've heard what I've seen, I see somebody I want to support. I see different things. I think a lot of things that we don't agree on are opinion and we're all allowed that. I think there's too many variables in a lot of the issues brought up against him that it's just not black or white. It's a lot of grey and I will support Mayor Cervenik and plan on voting that he does keep his job and have actually volunteered to help him do whatever he needs to do to get the message out there that he deserves to keep his job. Thank you.

President Sustarsic – And at this point in time if everybody could just stay tuned and just sit in your seats about a minute, we're going to be changing tape.

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

COUNCILMEN'S COMMENTS

Councilman Mancuso – I'm going to be brief because it is a 3-tape meeting as your son said. First again, everybody needs to go to the polls and vote tomorrow. Vote for the levies, both of them, we need them both. I'm not going to say any more about it. I think everybody here on Council supports it. We just need to get out and vote. The people who are opposed to it will get out and vote so you need to get out there and show our children and our adults and our senior citizens, who use the library, that we're all in support of them. People who cannot afford it will find they can afford it in the long run, all of us, each and every one of us.

And on a simpler note as we get into this wonderful process that we're going through, I, I would ask all of my colleagues, I really don't want to see another evening like we had tonight. We need to stick to the business of the City and let the recall process do what it was meant to do. Whatever your passions, however they are, how strong they are on either side, keep them outside of this Council Chambers. We are here to do the business of the City. Good night.

Councilman Sustarsic – I'd just like to say, I mean, it's very, very important to everybody. Let's get out there support our schools support our library. It's important to me. It's going, you know, hurt a little bit. I mean, no one likes paying taxes but the investment that's going to be made in this community and our children and the future of our community depends on it.

Just like to make some comments about Arbor Day, it was fantastic. I thought Kathy Will and her staff did an excellent job. It was a nice tribute. The second graders were real enthusiastic and, I mean, I was really impressed with them. I mean, that's, I wish everybody could have seen them because I think everybody would vote for the levy if they saw those kids.

And I'd just like to wish a Happy 57th Anniversary to my grandparents, Tony and Helen Sustarsic. Good night.

President Sustarsic – First of all, again, with the library and schools it's been said time and again and I'll just repeat it. Your community is only as good as your schools are. And again, with the brain drain or whatever, some people might refer to it as when people do attain an education in Ohio, the opportunities for employment and the like aren't necessarily there because technology and everything else moves off to different parts of the country. And so consequently we use people in that regard. So I think strong schools and as they said it fosters the movement of business and industry into a community and consequently builds up the community by adding to the tax base and just making all this successful and enjoy the good life, if you will. So I appreciate for people to reach down into their hearts and really compare everything that you have heard and I'd say give it

your best shot and go out and vote for the library issue. Vote for the school issue because basically the schools are the future for the City of Euclid so consequently I would say it would behoove us all to vote for the future.

I'd like to take this opportunity to thank the involvement of, naturally, the Economic and Development Department. Welcoming Mr. Spies' All Auto and Tire and Ruff's RV, the investment they have made into the community to help promote things.

And on a, well, first of all, yeah, very, very important, 57 years for my mom and dad, many people know them and they're just, they're doing well. They're doing real well. They enjoy life. They're now enjoying, besides the grandchildren, great grandchildren and they'll have that special day, which coincides with Mother's Day of course, and my best to everyone in that regard.

Lastly, I felt so, so, it was very regrettable tonight that this Council had to have before it a piece of legislation, which called for not only the ballot language but the placement of the recall issue on a ballot. I never thought I would see it. Other long-time Euclid residents that never thought they would see it and I think it's incumbent upon everybody in this City to, to get beyond this hurdle. There's been too much talk lately. It's, it's all one sided in the sense that everyone is talking about the recall. Everyone is talking about a new mayor because for different reasons they might disagree with the one that is in office right now. But at the same time you cannot deny the fact that whom the people selected in the General Election back in 2003. You have to, I think the best bet, is give an individual time in his term to show what he can do or what he cannot do and then consequently when it comes to a regular election the next election, you can either choose to retain him or vote for someone new. But at the same time, like I say, the circumstances it was difficult for me this evening. It's painful and it should be for the rest of Council for anyone involved in government. For a lot of people that are involved in the city, this thing should, these things should never take place because, again, going back to the good old days, if you will, of cooperation, of trust, of respect a lot of people just don't have it. There are a lot of people, they know who I'm speaking to and about, so they can make their own conclusions on that. But again like I said, it was a heavy heart that I had to vote for it to make the decision that I did, but again I look forward to brighter days in the City of Euclid that once we move beyond that we can go on to a better future.

Councilman Daly – First off to Mr. Riha, we have, if he's still here, we have not set a date for the committee meeting. Administration is still working on that proposal and when they are ready for that meeting, we will hold it.

On to earlier events tonight, I am glad that Mr. Conway did stay tonight. In the past I've been castigated for bringing up his name after he left the building. That's why I suggested we get together in a respectful manner and talk this issue out because the way it's been now is that comments are made and then, tonight as an example, it's been almost an hour before a response can be made to an initial talk or initial point.

We had a very nice discussion today. Our discussions have always been enjoyable. Tonight we had our first official action regarding the recall. I thought this would be a good time for all the residents to get as much unfiltered information as possible. And if we recall, the first, one of the first times that the Conway's came up to the podium, you know, they pleaded with the Mayor about the Hillandale committee meeting. Please have it on TV. Please have it live. Please let the residents ask questions. And we had 8 hours of discussion over 2 meetings. And I think this issue deserves as much unfiltered examination because right now we're down to quotes in the paper, statements being made and then much time lapsed, no follow-up. When we talked today, one of the complaints was, well, he's cynical from the standpoint that he's brought tax collection in-house, our income tax collection. Well, that hasn't occurred yet. That's something he suggested. That's something they may be looking at, but it hasn't occurred yet. But you know, we're going after delinquent tax, but we aren't doing our own entire municipal tax yet. But you know, those are some of the comments.

As far as if we do have any further discussions, we'll definitely have to tape them because the impression that I had after when we went over Article 2 and I gave you some minutes from September '03 meeting from our former Financial Director Dick Balazs, who clearly contradicted what's said in Article 2. I provided you with two letters. One that you already had from our Bond Counsel, Al Bauccho; one that you didn't was after our rating had been lowered and why he had lowered and the Moody's report why it was lowered and those contradict count 2.

We also had some discussion on or remind of what some statements were made. One of the main things, again, since time is short, one of the things that bothered me the most was some statements that I've read. We want to make sure we have enough signatures so when the Administration starts playing games with them that we expect them to make. There's, they've been blatant, cynical, political chicanery. There's dirty tricks going on.

Describing the Law Director, I told him I don't recognize the person you're describing. The person I've known for a lot longer than I've been up here and then I ask him how do you justify

those statements with your e-mails to him thanking him for being so professional and available during the referendum process. Also, just to show you the type of Law Director we have, we thought you were, your timeline was wrong and instead of allowing a mistake to be made, he sent an e-mail to Mr. Conway 2 weeks before the deadline. Mr. Conway, I noted in your literature you're seeking to have petitions for the recall of some of the elected officials completed by February 20th. I believe this date will not be sufficient time under our Charter. The response, you know, thanks for the heads up. Sorry I did not get back to you earlier I was in Jacksonville for the Super Bowl. That's the person I know, the consummate professional. And again, my time's running out, I wish we had the opportunity to go back and allow the residents to get all the information again unfiltered. Thank you.

Councilman Delaney – A lot of good comments tonight about the school levy and the library levy and while I still have the time I'd just like to say good evening.

Councilman Gruber – I'd like to take a couple of minutes here and comment on some articles over in the Sunday Plain Dealer. Two of the articles caught my attention. One was in the Metro Section and the title was the Building Boom Highway. It touched on \$270 million of construction in that area along 271 and it's interesting what they are building. This is quoted from the Plain Dealer. Many suburbs in Cuyahoga County struggle to attract development while balancing weak budgets and rebuilding infrastructure, like roads and utilities; but the communities along I-271 in Pepper Pike, Orange and Warrensville Heights have found a way to attract businesses. Warrensville Heights Mayor, Marcia Fudge, my guess, said the new projects and about, new projects and 200 homes will help put the city back on track after tight budget forced the layoff of 8 city employees last year. It's interesting to look at some of the projects that are going on, on 271. Park Synagogue East, the Synagogue includes a chapel, preschool, social hall, medical center on 27 acres. Sterling Lakes Gated Community developed 258 homes on 118 acres. Erickson Retirement Community plans for up to 1100 homes for retired people and then the article goes on to state her economic team has worked hard to sell the city's assets land and access to the major highways.

In Pepper Pike, the 188 acres is the last major chunk of undeveloped land in the city and will be home to 285 homes and townhomes that will be surrounded by small ponds and streams. We need homes for empty nesters, who need to downsize and we need homes for people that want to stay in our community and this sounds so familiar.

And then there's another article in the Business Section that lamented the downtown office vacancy rates. Some buildings have vacancy rates as high as 54%. None of these construction projects are manufacturing' none of them are new offices. They're all homes and assume the new buildings. They're building a couple of restaurants that came along with the home projects. And it's kind of interesting to see what's going on in other areas.

Another note it's been brought to my attention that there's a citizen who's been going to the Building Department asking on certain properties in the area, particularly one that has a pool that's been vacant for a couple of years and I'd like to just mention that before they do any due diligence or extra work or think they're solving the problem I'd be glad to talk with them and tell them how we managed the problem last year with the Cuyahoga County Health Department. We are aware of the situation. The Housing Department and myself have had regular maintenance on the empty pool. We've cut the grass. We're pursuing the owners. So before anybody gets real heavy into something and thinks they're going somewhere, please, contact myself. I have a full file on most of the properties that are abandoned. We work closely with the Housing Department. I know most of the owners of the properties. We've condemned some properties. We put owners in jail. So if anybody would like that information, please contact me. I'll be glad to work with them and save them a little bit of work. Remember to get out and vote tomorrow. Happy Mother's Day and thank you.

Councilwoman Holzheimer Gail – I just want to extend some congratulations. I was able on the Mayor's behalf to present a couple of Mayoral Proclamations this weekend. One was to a senior at Euclid High School, Scott Statler, who was, who became an Eagle Scout with Boy Scout Troop 161, and that was an honor to be there and really something to see the accomplishments and the success he has received. And I'm sure we all wish him much success in his future. It's always humbling to be amongst people who are really working toward honor and responsibility and respect and they do an awful lot of work to get that wonderful achievement. So I wanted to congratulate both Scott and his family and the whole Troop for helping him in that process.

I also presented a proclamation, likely for me, to my aunt and uncle, Mary and Bob Princic, on the occasion of their 50th Wedding Anniversary. So I wanted to wish them well and say congratulations.

And today I attended with several of the volunteers from the Senior Staff, Councilman Gruber attended and Director Pietravoia the White House Conference on Aging that was held down at Friendly Inn Settlement House in Cleveland. And the reason that we attended, not only to hear the seniors and their recommendations to send to the White House but also one of our residents, Mrs. Julia Graham, received a wonderful honor, the Anna B. Brown Award for her hard work in volunteerism and helping to integrate the two Senior Centers at our lovely new Lakefront Community Center. So Julia will be with us at one of the next couple Council meetings and you can hear more about that specific award, but it was a nice occasion and I wanted to take this opportunity to congratulate her again for that.

Mr. Petkovic, prior to the next meeting, and Director Frey, if we could get a copy of the revised garage sale ordinance and Mr. Petkovic, if you wouldn't mind drafting the permit and perhaps the administrative procedures, I think that would help allay some of the reluctant, reluctance for this process. We need to remember that our job as legislators is to legislate and set the general tone and policy. And you the professionals really need to help come up with the steps needed to implement that policy. So I trust in your abilities to do that and look forward to those, hopefully, prior to our next meeting.

And with that I will just urge everyone to go out and vote tomorrow. We have the opportunity to have an impact in our community. Voting is a very important right and we have the ability to impact what type of community you want. I believe in Euclid. I believe Euclid provides quality schools. Our library is second to none. We have the ability to make that continue. So I ask for you to join me in voting yes on both Issue 14 and 15. Thank you.

Councilwoman Hufnagle – Director Will, I want to compliment you on Arbor Day was, you always do a very nice job with that and I know that you have run that for several years now even before you were the Director and you and your staff do a great job with that and last week was no exception. It was an honor to be there. So I want to compliment you on that.

Mr. Conway and the EARC has always been in control of the timing of this recall election. The Charter has been clear from the beginning of the process and the timing of that process. Now they have always stated that this is not about who will be the mayor. This is about should Bill Cervenik be allowed to remain in office, should he be held accountable. So if that's the issue, then the timing of it should not have taken up so much time tonight because that's the question we're getting to right now. I, on the other hand, have always reminded the public that if you recall Mayor Bill Cervenik you do not get to choose who fills his spot. So the EARC and Mr. Conway has always been in charge of the timing of this and if they wanted to ensure that a mayoral election would take place in November, it's very simple. The signatures had to be turned in, in a more timely manner. And probably if the signatures the first time they were turned in were neat and complete, it wouldn't have been an issue this evening. So let's be very clear. Mayor Bill Cervenik has not acted unethically or illegal in anything that he's done in this office. Instead he's implemented programs to grow the, grow the surplus in the budget. He's implemented an Economic Development Department that has, has, has outdone my expectations. And as the Ward 3 representative, Ward 3 encompasses the largest area of industrial property. Again, retaining 600 jobs, if he would of lost 600 jobs, we would be hearing about that. So we should be shouting that we retained 600 jobs in this City and another 250 new jobs. If you don't want pay higher taxes and if you don't want to vote for the school levy because you can't afford it, the increase in your taxes, that's where we're going to get an increase at, the jobs that come into this city, the income tax. And the schools benefit from those income taxes. So the schools will grow as well as our income does. So I think it's clear, I think we have to be focused. Recall is wrong for this City. You have an opportunity in 2 years to decide if the Mayor has done the job or not, to fire him or however you want to term it. But for now my resolution was clear. And I think it's regretful that., that Mr. Conway chose not to address this body in a public forum at the time we asked him to because this is the official, this is the official meeting. Minutes are taken. Minutes are made available to the public and it's taped. So while it will be a good idea that both sides spend the next two months getting out to reach as many residents as possible, tonight would have been the opportunity to address the City in an official manner and be able to discuss the counts against the Mayor in an educated manner. That is, minutes are kept and the record is available to everybody. So with that I will say good night.

Councilman Langman – Tomorrow we have two very important issues before the electorate, but, of course, I've stated several times that on the record I'm supporting those. And the reason why and I guess this ties into the resident's question from before, is that if we don't make the investment, that is, the citizens of Euclid then all the projects that the Economic Development Department brought before us this evening are less likely to happen in the future. Those projects are predicated by disposable income. And if our schools are not invested in, then people will not choose to move here. So there's no incentive then for, especially in the retail sector, those businesses to invest in

Euclid. So they are very intimately tied together. Investment in the schools and the projects that came before us this evening and have come before us for many years and, hopefully, many more years to come. Retail is driven by things like disposal income. If we don't invest in our schools, folks with that income will not remain or will not move to the City of Euclid.

You know, we've often talked many times about how Euclid residents step up to the plate and we've it over the many years with, for example, creating the golf course or stopping high rise development or adopting the Henn Mansion or the passion we've seen with Shore Cultural Centre. It's those groups that have adopted those particular items, oh, I almost forgot the Animal Shelter. Now it's time for us as the citizens of this City to adopt our schools as our own. So I'm, hopefully, very confident that the citizens will step up tomorrow. Please go out and vote. Vote for an investment in our children's future and in your own future by investing your property. Vote yes on both issues tomorrow. And with that Mr. Chairman I'll make a motion to adjourn.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council